AN ORDINANCE OF UPPER ALLEN TOWNSHIP, CUMBERLAND COUNTY, COMMONWEALTH OF PENNSYLVANIA, REPEALING AND REPLACING THE CODE OF UPPER ALLEN TOWNSHIP, CHAPTER 220 (SUBDIVISION LAND DEVELOPMENT) ARTICLES I THROUGH VII; AMENDING CHAPTER 245 (ZONING), ARTICLE II (LAND USE DEFINITIONS), SECTION 245-2.1.B; ARTICLE IV (AGRICULTURE DISTRICT), SECTION 245-4.3.E; ARTICLE V (RESIDENTIAL DISTRICTS), SECTION 245-5.3.D; ARTICLE XIV (SPECIFIC STANDARDS FOR DESIGNATED USES), SECTION 245-14.32.H; ARTICLE XVI (GENERAL REGULATIONS), SECTIONS 245-16.3.A AND 245-16.4.E; ARTICLE XVII (OFF-STREET PARKING AND LOADING), SECTION 245-17.6.A; AND AMENDING CHAPTER 214 (STORMWATER MANAGEMENT), ARTICLE II (DEFINITIONS), SECTION 214-10.B.

ORDINANCE 797

BE IT ENACTED AND ORDAINED by the Board of Commissioners of Upper Allen Township, Cumberland County, Pennsylvania, by authority of the same as follows:

SECTION 1: The Code of Upper Allen Township, Chapter 220 (Subdivision Land Development), Ordinance 611 and as amended over time, shall be repealed in its entirety and replaced with Exhibit “A”, known as Chapter 220, Subdivision Land Development Ordinance. Chapter 220 shall be replaced in its entirety, to include: Article I, Short Title: Purpose, Authority and Jurisdiction; Article II, Definitions; Article III, Plan Requirements and Processing Procedures; Article IV, Improvement Construction Assurances; Article V, Design Standards; Article VI, Mobile Home/Manufactured Home Park Regulations; and Article VII, Administration.

SECTION 2: Chapter 245 (Zoning), Article II (Land Use Definitions), Section 245-2.1 (Word usage and definitions), Subsection B, shall have the following definitions added in alphabetical order:

EASEMENT – An interest in real property generally established in a real estate document or on a recorded plat or plan to reserve, convey or dedicate the use of land for a specified or limited purpose without the transfer of fee title. The easement may be for use under, on or above said lot or lots. Such specified uses may include but are not limited to transportation facilities, utilities, conservations, access, stormwater management, solar exposure, planting strips, etc.

GROUND COVER – Any vegetative and non-vegetative planting material such as, but not limited to, ornamental grasses, shrubs, rocks, small stones, bark and natural red earth which hold and stabilize soils.

LANDSCAPING ISLAND – A section of raised land not less than nine feet in width and a depth equal to the parking stalls, intended for plant materials, and for the purpose of creating a visual separation between parking spaces and to separate parking spaces from the entrance and exit drives and circulatory roads. Landscaping islands may be lowered or flush when designed as part of a stormwater collection system.
PLANTING STRIP – An easement area where plants, shrubs, trees and ornamental grasses shall be permitted to provide privacy between neighboring properties. No structures, principal or accessory, shall be permitted in a planting strip.

SECTION 3: Chapter 245 (Zoning), Article II (Land Use Definitions), Section 245-2.1 (Word usage and definitions), Subsection B, the following definitions shall be replaced as follows:

FENCES – Any freestanding and uninhabitable device supported by posts and constructed of wood, glass, metal, plastic materials, wire, wire mesh or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to ensure privacy or to protect the property so screened or divided or to define and mark the property line when such device is permitted to be erected on or within two feet of any front, side or rear line; for the purpose of this chapter, a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this chapter, when the term “lot line” is used in relation to fences, it shall be synonymous with “rear lot lines”, “side lot lines”, and “front lot lines”.

RETENTION BASIN – A man-made of natural water-collector facility designed to collect surface and subsurface water in a permanent pool for water quality treatment. A retention basin may provide temporary control of stormwater runoff above the permanent pool elevation to store and release stormwater gradually or at a rate not greater than that prior to development of the property into natural or man-made outlets.

STRUCTURE, ACCESSORY – A structure subordinate to and from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.1 Fences and walls are considered accessory structures.

SECTION 4: Chapter 245 (Zoning), Article IV (Agriculture District (A)), Section 245-4.3 (Development options, use and lot requirements), Subsection E.(1), the following shall hereby be added:

(d) Flag lots shall only be permitted when they will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques. Flag lots shall be permitted with a minimum street frontage of 50 feet, and then only in compliance with the specifications in Chapter 220, Subdivision Land Development Ordinance.

SECTION 5: Chapter 245 (Zoning), Article V (Residential Districts), Section 245-5.3 (Low-Density Residential (R-1) District), Subsection D.(1), the following shall hereby be added:

(d) Flag lots shall only be permitted when they will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be

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1 Editor’s Note: See 75 Pa.C.S.A. § 101 et seq.
disturbed by conventional lotting techniques. Flag lots shall be permitted with a minimum street frontage of 50 feet, and then only in compliance with the specifications in Chapter 220, Subdivision Land Development Ordinance.

SECTION 6: Chapter 245 (Zoning), Article XIV (Specific Standards for Designated Uses), Section 245-14.32 (Keeping of animals and animal structures), Subsection H. shall hereby be amended as follows:

H. All grazing or pasture areas shall be fenced to prevent livestock from roaming. Barbed, bob, woven, cable or mesh wire fencing is permitted, subject to all other provisions in Section 245-16.3 herein.

SECTION 7: Chapter 245 (Zoning), Article XVI (General Regulations), Section 245-16.3 (Specific requirements for accessory structures, buildings and uses), Subsection A.(4), shall hereby be amended as follows:

(4) Fences, walls and structures shall not be constructed or erected in whole or in part from scrap metal, sheet metal, broken glass, spikes, junk, sheets of plywood, plastic cloth, canvas or other like material (unless manufactured for the purpose of fencing), and shall be uniform in construction materials and design. Barbed wire fencing is permitted in the Industrial District and as otherwise noted in this chapter. All fences, walls and structures shall always be maintained in good condition and be structurally sound.

SECTION 8: Chapter 245 (Zoning), Article XVI (General Regulations), Section 245-16.3 (Specific requirements for accessory structures, buildings and uses), Subsection A.(5), shall hereby be amended as follows:

(5) No fence, wall or structure shall be permitted or erected in a public or private access, easement, or a planting strip. Any such fence, wall or structure erected in violation of this section shall be removed or relocated at the owner’s expense.

SECTION 9: Chapter 245 (Zoning), Article XVI (General Regulations), Section 245-16.3 (Specific requirements for accessory structures, buildings and uses), Subsection A.(6), shall hereby be amended as follows:

(6) It shall be unlawful to construct or alter any fence over two feet high without first having secured a zoning permit. Fences less than two feet high shall be considered ornamental and shall not require a permit. Fences over six feet in height shall also require issuance of a building permit. It shall be unlawful to vary materially from the approved submitted plans and specifications unless such variations are submitted in an amended application to the Zoning Officer or their designated Township official and approved by this official.

SECTION 10: Chapter 245 (Zoning), Article XVI (General Regulations), Section 245-16.4 (Yard adjustment regulations), Subsection E.(2), shall hereby be amended as follows:
(2) Porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into any yard.

SECTION 11: Chapter 245 (Zoning), Article XVII (Off-Street Parking and Loading), Section 245-17.6 (Design standards), Subsection A, the following shall hereby be added:

(7) Landscaping islands shall be required for any off-street parking area (except a parking garage or parking spaces underneath a building) for use other than single-family detached dwellings or a farm, containing 25 or more parking spaces per lot, constructed in whole or in part, in accordance with the provisions of Chapter 220, Subdivision Land Development Ordinance.

(8) All driveway intersections with a state route shall be subject to the approval of the Pennsylvania Department of Transportation. Any driveway intersecting with a state route shall obtain a highway occupancy permit from PennDOT prior to receipt of a zoning and/or building permit.

SECTION 12: Chapter 214 (Stormwater Management), Article II (Definitions), Section 214-10 (Word usage; definitions), Subsection B, the following definitions shall be replaced as follows:

RETENTION BASIN
A man-made of natural water-collector facility designed to collect surface and subsurface water in a permanent pool for water quality treatment. A retention basin may provide temporary control of stormwater runoff above the permanent pool elevation to store and release stormwater gradually or at a rate not greater than that prior to development of the property into natural or man-made outlets.

SECTION 13: All other ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION 14: The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any other remaining sections, clauses or sentences of the same.

SECTION 15: This Ordinance shall take effect and be in force immediately upon enactment.

ENACTED AND ORDAINED, into an Ordinance this 7TH day of October, 2020, by the Board of Commissioners of Upper Allen Township.

ATTEST:

[Signature]
(Assistant) Secretary

UPPER ALLEN TOWNSHIP

By: [Signature]
Kenneth M. Martin, President
Board of Commissioners
UPPER ALLEN TOWNSHIP
SUBDIVISION LAND
DEVELOPMENT ORDINANCE

Cumberland County, Pennsylvania
“EXHIBIT A”
Upper Allen Township
Subdivision Land Development Ordinance

Township Planning Commission
Wayne Willey, Chair
Barry Natwick, Secretary
Amanda Parrish
Scott Steffan

Robert Siodlowski
Barbara Roddin

Board of Commissioners
Planning and Zoning Committee Liaisons
Kenneth M. Martin, President
Ginnie M. Anderson, Assistant Secretary

Board of Commissioners
Kenneth M. Martin, President
Richard A. Castranio, Jr., Vice President
James G. Cochran, Assistant Secretary
Ginnie M. Anderson, Assistant Secretary
Jeffrey M. Walter, Assistant Secretary

Township Staff
Lou Fazekas, ICMA-CM, Township Manager
Scott W. Fraser, Assistant Township Manager
Jennifer M. Boyer, AICP, Community Development Director/Planner
John Toner, Planning Technician
Michael Welt, Zoning & Code Enforcement Officer/GIS
Jason A. Reichard, P.E., Township Engineer (C.S. Davidson, Inc.)

Township Residents and Business Leaders
Cumberland County Planning Department
This project was funded in part by the Cumberland County Land Partnerships Program
ARTICLE I
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§ 220-1.2. Purpose.
§ 220-1.3. Authority and jurisdiction.

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§ 220-3.4. Sketch plans and data specifications.
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§ 220-7.1. Enforcement.
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§ 220-7.5. Township and Municipal Authority exemption.
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GENERAL REFERENCES

Construction and Material Specifications Manual
Planning Commission – See Ch. 58.
Uniform construction codes – See Ch. 112.
Excavation and fill – See Ch. 129.
Historic districts – See Ch. 155.
Junk and junkyards – See Ch. 160.
Property maintenance – See Ch. 189.

On-lot sewage disposal systems – See Ch. 199.
Sewers and sewage disposal – See Ch. 200.
Storm sewers – See Ch. 213.
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Streets and Sidewalks – See Ch. 217.
Zoning – See Ch. 245.
ARTICLE I
Short Title, Purpose, Authority and Jurisdiction

§ 220-1.1. Short Title.
This chapter shall be known as and may be cited as the “Township of Upper Allen Subdivision and Land Development Ordinance.”

§ 220-1.2. Purpose.
The purpose of these subdivision and land development regulations is to provide for the harmonious development of the Township by:

A. Assisting in the orderly and efficient integration of land developments within the Township.

B. Ensuring conformance of land development plans with public improvement plans and programs.

C. Ensuring coordination of intermunicipal public improvement plans and programs.

D. Securing the protection of water resources and drainageways.

E. Facilitating the efficient movement of traffic.

F. Securing equitable handling of all land development plans by providing uniform standards and procedures.

G. In general, promoting greater health, safety, and welfare of the citizens of the Township.

H. Securing adequate sites for recreation, conservation, scenic and other open space purposes.

I. Achieving consistency with the statement of community goals and objectives as contained in the Upper Allen Township Comprehensive Plan.

§ 220-1.3. Authority and Jurisdiction.
No subdivision and land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this chapter. The authority for the control and regulation and subdivision and land development within the Township shall be as follows:
A. Review by the Township Planning Commission. The Township of Upper Allen Planning Commission, hereinafter referred to as the “Planning Commission”, shall be vested with the review of subdivision and land development plans.

B. Review by the County Planning Commission. Plans for subdivision and land development located within the Township of Upper Allen shall be forwarded upon receipt by the Township to the Cumberland County Planning Commission for review and report. The Township of Upper Allen Board of Commissioners shall not give final approval to such plans until the County report is received or until the expiration of 30 days from the date the application was forwarded to the County.

C. Approval by the Township Board of Commissioners. The Township of Upper Allen Board of Commissioners, hereinafter referred to as the “Board of Commissioners”, shall be vested with the authority to approve or disapprove all subdivision and land development plans, unless otherwise noted herein.

D. The Planning Commission shall be vested with the authority to approve or disapprove lot add-on plans.

E. Lot add-on, subdivision and land development plans shall meet all applicable provisions within the Zoning Ordinance\(^1\) prior to the Planning Commission or Board of Commissioners taking action to approve or disapprove said plans.

\(^1\) Editor’s Note: See Ch. 245.
ARTICLE II
Definitions

§ 220-2.1. Definitions; word usage.

A. General definitions and word usage. In this chapter when not inconsistent with the context:

   a. Words in the present tense imply also the future tense.

   b. The singular includes the plural.

   c. The male gender includes the female gender.

   d. The word “person” includes partnership or corporation as well as an individual.

   e. The term “shall” or “must” is always mandatory.

   f. The word “lot” includes the word “plot” or “parcel”.

   g. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied.”

   h. The word “erected” shall be construed to include the words “constructed, altered or moved.”

   i. The word “building” shall include any structure or part thereof.

B. Specific words and phrases. The following words are defined in order to facilitate the interpretation of the chapter for administrative purposes and in carrying out the duties by appropriate offices and by the Township Board of Commissioners.

ABUTTING – Having property or district lines in common.

ACCESS – A way or means of approach to provide vehicular or pedestrian physical entrance and exit to a property.

ACCESS DRIVE – A paved surface or other surface, other than a street, which provides vehicular and/or pedestrian access from a street or a private road to a lot. Access drives shall be located and constructed so as to provide safe ingress and egress with respect to the lot. If the access drive provides access to a state highway, issuance of a highway occupancy permit by the Pennsylvania Department of Transportation shall be required prior to the issuance of any permit under this chapter.

ACCESSORY STRUCTURE – See definition of “structure, accessory”.

ACT – The latest version of the Pennsylvania Municipalities Planning Code (MPC), as amended.

ADJUSTED TRACT AREA APPROACH – One of two methods of determining the maximum number of permitted dwelling units in conservation subdivisions where the adjusted tract area of the site equals the gross tract area minus the constrained land on the site. The actual methodology is outlined in the Upper Allen Township Zoning Ordinance, as amended.² The other method is the yield plan.

AGENT – Any person other than the developer who, acting for the developer, submits to the Planning Commission and Township Board of Commissioners land development plans for the purpose of obtaining approval thereof.

AISLE – The traveled way by which cars enter and depart parking spaces.

ALLEY – A public thoroughfare other than a side street which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for development, including his or her personal representatives, successors and assigns.

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

APPROXIMATED FLOODPLAIN – Those portions of land within the FP- Floodplain District subject to inundation by the one-hundred-year flood where a detailed study has not yet been performed but where a one-hundred-year floodplain boundary has been approximated. Where the specific one-hundred-year flood elevation cannot be determined for this unique area using other sources of data such as the U.S. Army Corps of Engineers’ Floodplain Information Reports, U.S. Geological Survey Flood Prone Quadrangles, etc., then the applicant for the proposed use, development, and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Only professional engineers, or others of demonstrated qualifications, shall undertake hydrologic and hydraulic analyses, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township. In addition, information from other federal, state and other acceptable sources shall be used to determine a floodway area, if possible.

ARCHITECTURAL CONTROL - Regulations governing the appearance or architectural style of buildings or structures.

² Editor’s Note: See Ch. 245.
AREA – The total outside surface of anything, as measured in square feet.

(1) LOT AREA – The area contained within the property lines of individual parcels of land shown on a subdivision plan, excluding any area within a street right-of-way and including the area of any easement or future street right-of-way.

(2) BUILDING AREA – The total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, and steps (gross living area).

AVERAGE GROSS RESIDENTIAL DENSITY – The number of dwelling units per acre in a planned residential development, computed by dividing the number of dwelling units which the applicant proposes to construct by the number of acres in the development which are not planned to be devoted to commercial use. If the developer is required to dedicate lands for sites for schools or other public facilities, such land shall be included in the total land area used in computing maximum permissible average gross density. If he is required to set aside land for such purposes, it shall not be included in the computation of average gross density. If such land is not acquired by the appropriate body by the date of the sale or rental of 51% of the dwelling units in the planned residential development, then, at the option of the developer, the land may be used for residential purpose, subject to the provisions of the Zoning Ordinance.\(^3\)

BASEMENT – A story partly underground but having at least ½ or more of its height (measured from floor to ceiling) above the average level of the adjoining underground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes, other than a game or recreation room.

BERM – A mound of soil, either natural or man-made, used to obstruct views.

BICYCLE INFRASTRUCTURE – All infrastructure which may be used by cyclists. This includes the same networks of roads and streets used by motorists, except in which cyclists have been banned. The term includes additional bikeways that are not available to motor vehicles, such as bike paths, bike lanes, bike tracks, sidewalks, etc., and amenities such as bike racks, traffic signs and signals, etc.

BLOCK – A tract of land bounded on one side by a street and on the other sides (normally three) by streets, railroad rights-of-way, waterways, unsubdivided areas and other definite barriers.

BOARD OF COMMISSIONERS – The Board of Commissioners of the Township of Upper Allen.

\(^3\) Editor’s Note: See Ch. 245.
BUFFER AREA – A strip of land which is planted and maintained in shrubs, bushes, trees, grass or other landscaping material and within which no structure is permitted except a wall or fence.

BUFFER YARD – An open area whose dimensions normally exceed the normal building setback or yard requirement used to protect low-density uses and zoning districts from adjacent higher-density uses and districts.

BUILDING – Any structure on a lot having a roof supported by columns or walls and designed and/or intended for the shelter, housing or enclosure of persons, animals or chattel and including covered porches, bay windows and chimneys.

BUILDING COVERAGE – The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

BUILDING, DETACHED – A building surrounded by open space on the same lot.

BUILDING, FRONT LINE OF – The line of that face of the building nearest the front line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps.

BUILDING, HEIGHT OF – The mean grade at the front of the structure to the highest point of the structure, excluding chimneys, spires, towers, elevator penthouses, tanks and similar projections.

BUILDING LINE – A line parallel to the front, side or rear lot line set so as to provide the required yard.

BUILDING, PRINCIPAL – A structure enclosed within exterior walls or fire walls, built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals or property of any kind; the main structure on a given lot; a building in which is conducted the principal use of the lot on which it is situated.

BUILDING SETBACK LINE (SETBACK) – The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way and the line defining side and rear yards, where required.

CALIPER – The diameter of a tree trunk measured in inches, six inches above ground level for trees up to four inches in diameter and 12 inches above ground level for trees over four inches in diameter.

CARTWAY or ROADWAY – The portion of a street right-of-way which is paved, improved, or designated or intended for vehicular traffic.
CELLAR (BASEMENT) - A story partly underground having more than ½ of its clear height below the average level of the adjoining ground. A cellar shall not be considered in determining the required number of stories.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at street intersections defined by the centerlines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

COMMISSION – The Upper Allen Township Planning Commission, unless otherwise noted.

COMMISSIONERS – The Upper Allen Township Board of Commissioners.

COMMON AREA – The area in a subdivision or planned residential development, including common open space, owned or leased and maintained by an association or other combination of persons for the benefit of the residents of the planned residential development, and if owned under the Pennsylvania Unit Property Act, including all common elements designated for the use of all dwelling unit owner.

COMMON ELEMENTS – Means and includes:

1. The land on which a building is located and portions of the building which are not included in a unit;

2. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of a building;

3. The yards, parking areas and driveways;

4. Portions of land and building used exclusively for the management, operation or maintenance of the common elements;

5. Installations of all central services and utilities;

6. All other elements of a building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and

7. Such other facilities as are designated as common elements.

COMMON FACILITIES – When referring to a development, these facilities are common or community open space, recreational facilities, community sewage facilities, community water supply facilities, stormwater management facilities, common parking areas and driveways, preservation areas, private streets, or other community facilities.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water or a combination of land and water within a development plan designed and intended for the use or enjoyment
of residents of the development plan and, where designed, the community at large. Common open space does not include rights-of-way, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as approved in the development plan that are appropriate to recreational and other open-space uses of the land and shall not include playground, athletic field or other open spaces areas of any schools or places of worship to be included within the proposed development.

COMMUNITY SEWAGE SYSTEM – Any system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two or more lots, and the treatment and/or disposal of the sewage or industrial waste on one or more of the lots or at any other site, and which shall comply with all applicable regulations of the Pennsylvania Department of Environmental Protection.

COMMUNITY WATER SUPPLY SYSTEM – A public or private utility system designated to transmit potable water from a common source to multiple users. Such systems shall be in compliance with the regulations of the Pennsylvania Department of Environmental Protection, the Public Utilities Commission (PUC) or the Township, whichever is more stringent.

COMPREHENSIVE PLAN – The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, consisting of maps, charts, and textual material, that constitutes decisions about the physical and social development of the Township of Upper Allen, as amended.

CONCEPT PLAN – A preliminary presentation and attendant documentation of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

CONSERVATION AREAS – Undeveloped and undisturbed areas set aside for the preservation and/or continuation of the natural environment, to promote recreational use, agricultural use and retention of open space and undeveloped floodplain areas, and to provide areas of wildlife habitat.

CONSERVATION SUBDIVISION – A land development process that seeks to identify and permanently protect special natural and/or environmental features and open space in designated conservation areas, greenway areas, or preserves.

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

CONSTRUCTION, NEW – For the purpose of complying with the requirements of the National Flood Insurance Program (NFIP), new construction shall be identified as structures
for which the start of the construction commenced on or after January 30, 1980 and includes any subsequent improvements thereto.

CONSTRUCTION AND MATERIAL SPECIFICATIONS – A manual to be used for permitted and contracted improvement projects throughout the Township. This manual shall be used as the standard construction specifications, as outlined in this Chapter. This manual, established by Resolution 1012, shall be amended from time to time by resolution of the Board of Commissioners.

CONVENTIONAL DEVELOPMENT – Development other than planned residential development or conservation subdivisions.

COUNTY – County of Cumberland, Pennsylvania.

COURT – An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

COURT, INNER – A court which does not extend to a street, alley, yard, or outer court.

COURT, OUTER – A court which extends to a street, alley, yard, or other outer court.

COVERAGE – That portion or percentage of the plot or lot covered by the building area.

CUL-DE-SAC – A local street with only one outlet and having the other end for the reversal of traffic movement.

CURB – The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURBLINE – The outside edge of the cartway.

DEDICATION – An act transmitting property or interest thereto.

DENSITY – The total number of dwelling units per acre of land.

DEPARTMENT OF ENVIRONMENTAL PROTECTION – The Pennsylvania Department of Environmental Protection (PA DEP).

DESIGN FLOOD – The relative size or magnitude of a major flood of reasonable expectancy, which reflects both flood experience and flood potential and is the basis of the delineation of the floodway, the flood hazard area, and the water surface elevations.

DESIGN STANDARDS – Standards that set forth specific improvement requirements.
DETENTION BASIN – A man-made or natural water-collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property into natural or man-made outlets.

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 land development or submits a development plan under the terms of this chapter.

DEVELOPMENT – A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site; the act of using land for building or extractive purposes.

DEVELOPMENT PLAN – The provisions for development of land under the provisions of this chapter, including a plat of subdivision; all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the development plan” when used in this chapter shall mean both the written and graphic materials referred to in this definition.

DEVELOPMENT PERMIT – A zoning and/or building permit authorizing the construction, repair, demolition, relocation and reconstruction of a structure, or any other permit requested or issued in connection with any of the activities defined under “development” herein.

DEVELOPMENT REGULATION – Zoning, subdivision, site plan, official map, floodplain regulation, or other governmental regulation of the use and development of land.

DISTURBANCE OF VEGETATIVE COVER – Removal, destruction, or damaging of plants, including trees, shrubs, herbaceous growth, by methods including but not limited to cutting, bulldozing, plowing, regrading, digging, or intensive use of herbicides (in which selective species are intended to be eradicated or which the intent is to defoliate).

DOUBLE FRONTAGE LOT – A lot fronting on two streets, other than a corner lot.

DRAINAGE – The removal of surface water or groundwater from land by drains, grading or other means.

DRAINAGE FACILITY – Any ditch, gutter, pipe, culvert, storm sewer or other structure designated, 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 land development or contiguous land areas.

DRIVEWAY – A minor vehicle right-of-way providing access between a street and a parking area or garage within a lot or property.
DRIVEWAY/ACCESS ROAD – A cartway or traveled path, improved or unimproved, by means of which ingress and egress to and from private property is gained and which intersects with a Township, state or county right-of-way.

DWELLING, MANUFACTURED HOUSING – Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

EASEMENT – An interest in real property generally established in a real estate document or on a recorded plat or plan to reserve, convey or dedicate the use of land for a specified or limited purpose without the transfer of fee title. The easement may be for use under, on or above said lot or lots. Such specified uses may include but are not limited to transportation facilities, utilities, conservations, access, stormwater management, solar exposure, planting strips, and other similar uses.

EASEMENT, CONSERVATION – A legal agreement a property owner makes to restrict the type and amount of development that may take place on his or her property. The easement spells out the rights the landowner retains and the restrictions on use of the property.

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

ENGINEERING LAND SURVEYS – Surveys for: 1) 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; provided, however, that tract perimeter surveys shall be functions of the professional land surveyor; 2) the determination of the configuration or contour of the earth’s surface or the position of a fixed object thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry, or other measurement methods; 3) geodetic or cadastral survey, underground survey and hydrographic survey; 4) sedimentation and erosion control surveys; 5) the determination of the quantities of materials; 6) tests for water percolation in soils; and 7) the preparation of plans and specifications and estimates of proposed work as described in this subsection.

ENGINEER, REGISTERED – See definition of “professional engineer”.

ENGINEER, TOWNSHIP – A professional engineer, licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Township.

ENVIRONMENTAL CONSTRAINTS - Features, natural resources or land characteristics that are sensitive to improvements and may require conservation measures or the application of creative development techniques to prevent degradation of the environment, or may require limited development, or in certain instances may preclude development.
ENVIRONMENTAL IMPACT ASSESSMENT – An assessment of the impact of a use of the: 1) natural environment, i.e. geology, topography, soils, hydrology, vegetation, wildlife, wetlands, and air quality; and 2) the cultural environment, i.e. lot use, utilities, traffic, population, economics, services, historic assets and general character of the neighborhood. The assessment of traffic impact must include a complete traffic analysis prepared and sealed by a professional traffic engineer, identifying the impact of the proposed development on existing traffic and circulation patterns and proposing solutions to problems which may arise as consequence of the proposed development.

ENVIRONMENTALLY SENSITIVE AREA – An area with one or more of the following environmental characteristics: floodway, rock outcroppings, steep slope, one-hundred-year flood plain or wetlands.

ESCROW – A deed, a bond, money or a piece of property delivered to a third person to be delivered by him to the grantee only upon fulfillment of a condition.

EXACTION – A contribution of payment required as an authorized precondition for receiving a development permit.

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

FLAG LOT – See definition, “lot, flag”.

FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD) – A flood which is likely to be equaled or exceeded once every 100 years (i.e. that has a 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

FLOOD, FIVE-HUNDRED-YEAR – A flood which is likely to be equaled or exceeded once every 500 years (i.e. that has a 1/5 of 1% chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

FLOOD BOUNDARY, ONE-HUNDRED-YEAR – The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e. that has a 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of
Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.

FLOOD BOUNDARY, FIVE-HUNDRED-YEAR – The outer boundary of an area of land that is likely to be flooded once every 500 years (i.e. that has 1/5 of 1% chance of being flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture’s Soil Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this boundary.

FLOOD ELEVATION, ONE-HUNDRED-YEAR – The water surface elevations of the one-hundred-year flood.

FLOOD ELEVATION, FIVE-HUNDRED-YEAR – The water surface elevations of the five-hundred-year flood.

FLOOD OF RECORD – The flood which has reached the highest flood elevation above mean sea level at a particular location.

FLOODPLAIN – A floodplain may be either or a combination of: 1) a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or water course during a one-hundred-year design frequency storm; or 2) any area subject to the unusual or rapid accumulation of runoff or surface waters from any source.

FLOOD HAZARD BOUNDARY MAP – A map indicating that an official flood hazard may be used or approved by the Federal Insurance Administrator.

FLOODPLAIN OR FLOOD PRONE AREA – A land area adjoining a river, stream, watercourse, ocean, bay or lake which is likely to be flooded. Floodplain area with special flood hazards means that maximum area of the floodplain that, on average, is likely to be flooded once every 100 years (i.e. that has a 1% chance of being flooded each year).

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term “floodproofing” shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrometric loads and effects of buoyancy.
FLOODWAY – The areas identified as floodway in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

FLOODWAY FRINGE – Those portions of land within the FP-Floodplain District subject to inundations by the one-hundred-year flood beyond the floodway in areas where detailed study and profiles are available.

FLOOR AREA OF A BUILDING (GROSS) – The sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA RETAIL, NET – All that space regulated to use by the customer and the retail employee to consummate retail sales and to include display area used to indicate the variety of goods available for the customer, but not to include office space, storage space and other general administrative areas.

FLOOR, LOWEST – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood-resistant, partially enclosed area used solely for parking of vehicles, building access and incidental storage, in an area other than a basement area, is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this chapter.

FRONTAGE – The horizontal or curvilinear distance along the street line upon which a lot abuts.

FUTURE RIGHT-OF-WAY – The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads; a right-of-way established to provide future access to or through undeveloped land.

GOVERNING BODY – The Board of Commissioners of the Township of Upper Allen, Cumberland County, Pennsylvania.

GOVERNMENTAL AUTHORITY – Any federal, state or local agency having authority over health factors such as sewers, water and other related matters.

GREENWAY – A greenway may be any one or combination of the following: 1) a linear open space established along either a natural corridor, such as a riverfront, stream valley or ridge line, or over land along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; 2) a natural or landscaped course for pedestrian or bicycle passage; 3) an open space connector linking parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and 4) strip or linear parks designated as a parkway or greenbelt.
GROSS BUILDING AREA – The total area of a building available for construction or use, as measured from the exterior walls of the building. Gross building area should be used in computing all square footage measurements for buildings as well as dimension requirements.

GROUND COVER – Any vegetative and nonvegetative planting material such as, but not limited to, ornamental grasses, shrubs, rocks, small stones, bark and natural red earth which hold and stabilize soils.

GROUND FLOOR – The floor of a building nearest the mean grade of the front of the building.

HIGHWAY – See definition of “streets”.

IMPERVIOUS COVERAGE – That area of the lot covered by impervious surface.

IMPERVIOUS SURFACE – A surface that does not absorb rain, including all buildings and other structures, parking areas, driveways, roads, sidewalks, storage areas and areas of concrete, nonporous asphalt and stone and other such areas as shall be determined to be nonporous by the Board of Commissioners and/or the Township Engineer.

IMPROVEMENTS – Those physical additions, installations and changes required to render land suitable for the use intended, including grading, paving, curbing, streetlights, signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and other public utilities and street shade trees.

IMPROVED PUBLIC STREET – Any street for which Township, county or commonwealth has maintenance responsibility and which is paved with an approved hardtop surface.

IMPROVEMENTS, PUBLIC – Streets, pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, grading, street signs and plantings, and other items required for the welfare of the property owners and the public.

INDIVIDUAL ON-LOT SEWAGE SYSTEM – Any system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.

INTERIOR WALK – The right-of-way for pedestrian use extending from a street into a block or across a block to another street.

INTERSTATE SYSTEM – That portion of the national system of international and defense highways located within Pennsylvania, as officially designated or as may hereafter be designated by the Secretary of the Pennsylvania Department of Transportation and approved by the United States Secretary of Transportation pursuant to the provisions of Title 23, United States Code, “Highways”.

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LAND DEVELOPMENT –

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any other purpose involving:

(a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure; or

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

(2) A subdivision of land.

(3) Land development shall not include:

(a) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium; or

(b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

LANDFILL – See definition of “sanitary landfill”.

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 authorized under the lease to exercise the rights of the landowner; or other person having a proprietary interest in land.

LANDSCAPE PLAN – A component of a development plan, if required, on which is shown proposed landscape species (such as number, spacing, size at time of planting, and planting details, etc.), proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed decorative features, grade changes, buffers and screening devices, and any other information that can reasonably be required in order that an informed decision can be made by the Board of Commissioners.

LANDSCAPING ISLAND – A section of raised land not less than nine feet in width and a depth equal to the parking stalls, intended for plant materials, and for the purpose of creating a visual separation between parking spaces and to separate parking spaces from the entrance and exit drives and circulatory roads. Landscaping islands may be lowered or flush when designed as part of a stormwater collection system.
LAND-USE CONTROLS- A term generally referring to the use of police power techniques to control and guide land use and development.

LOADING SPACE – An off-street space on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on or has access to a street.

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.

(1) LOT, AREA – The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street but including the area of any easement.

(2) LOT, CORNER – A lot with two adjacent sides abutting on streets, which has an interior angle of less than 135° at the intersection of the two street lines. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°.

(3) LOT, FLAG – A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right-of-way or driveway.

(4) LOT, INTERIOR – A lot other than a corner lot.

(5) LOT, MINIMUM WIDTH – The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

(6) LOT, NONCONFORMING – A lot of which the area or dimension of was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

(7) LOT, REVERSE FRONTAGE – A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts. In the case of a lot fronting on streets of different classification, access to the lot shall be from the lower classified roadway, in accordance with the Upper Allen Township Comprehensive Plan Classification of Roadways.

(8) LOT, THROUGH – A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot. Lots fronting on a street and an alley are not considered through lots.
Example of Lot Types

LOT ADD-ON – A subdivision plan, or lot consolidation plan, which proposes to alter the location of lot lines between existing lots to either increase a lot size or delete a lot line. Additional development involving the newly created lot shall be subject to the requirements of applicable Township ordinances.

LOT COVERAGE – The total of impervious areas, including building area, divided by the lot area.

LOT DEPTH – The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

LOT LINES – The boundary lines of a lot as defined herein:

(1) FRONT LOT LINE – The lot line separating a lot from a street right-of-way. In the case of a corner lot or a lot abutting a street right-of-way on more than one side, the front lot line shall be determined based on the street address assigned by the post office.

(2) REAR LOT LINE – Any lot line which is parallel to or within 45° of being parallel to a street line, except for a lot line that is itself a street line. In the case of a corner lot, the owner shall have the option of choosing which of the two lot lines which are not street lines is to be considered a “rear lot line”. In the case of a lot having no street frontage or a lot of an odd shape, only the one lot line further from any street shall be considered a rear lot line.
(3) SIDE LOT LINE – Any lot line which is not a street line or a rear lot line.

(4) STREET LINE – A line defining the edge of a street right-of-way and separating the street from abutting properties or lots. Commonly known as the “street right-of-way line”.

LOT OF RECORD – A lot which has been recorded in the Office of the Recorder of Deeds of Cumberland County, Pennsylvania.

LOT WIDTH – The distance measured between the side lot lines at the required or proposed building setback line. When there is only one side lot line, as in the case of single-family semidetached or some single-family attached dwellings, the lot width shall be measured between the side lot line and the center line of the party wall. For interior single-family attached dwellings, lot width shall be measured between the right-of-way line for the non-address street and directly opposite property line.

LUMINAIRE -A complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

MANUFACTURED HOME – See “dwelling, manufactured home”.

MANUFACTURED HOME LOT – A parcel of land in a manufactured home park improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured home (See also definition of “mobile home lot”).

MARGINAL ACCESS STREET – Minor streets, parallel and adjacent to major traffic streets, which provide access to abutting properties and control intersections with major traffic street.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

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 under single ownership, which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes for nontransient use.

MOBILE HOME SALES LOT – An open lot for the outdoor display of new or used mobile homes.
MOBILE HOME STAND OR PAD – That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

MODULAR/MANUFACTURED HOME – A type of dwelling that is in substantial part but not wholly produced in sections off the site and then is assembled and completed on the site. This shall not include any dwelling that meets the definition of mobile home, nor shall it include any dwelling that does not rest on a permanent foundation, nor any dwelling intended to be able to be moved to a different site once assembled, nor any dwelling that would not fully comply with any and all applicable building codes. A modular home also shall not include a building that includes only one substantial piece prior to delivery on the site.


MUNICIPALITY – The Township of Upper Allen.

NATURAL FEATURE – A component of a landscape existing or maintained as part of the natural environment and having ecologic value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress or energy costs. Such features include those of which, if disturbed, may cause hazards or stress to natural habitats, property or the natural environment.

NONCONFORMING LOT – See definition “Lot, nonconforming”.

NONCONFORMITY, DIMENSIONAL – Any aspect of a land use that does not comply with any size, height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this chapter, where such dimensional nonconformity lawfully existed prior to the adoption of this chapter or amendment hereto.

OFF-SITE – Located outside the lot lines of the lot in question but within the property (of which the lot is a part) that is the subject of a development application or on a contiguous portion of a street or right-of-way.

OFF-STREET PARKING – Parking of motor vehicles as an accessory use located upon the same lot as a permitted principal use or, in the case of joint parking, within close proximity to serve the parking requirements and needs of the principal use.

OFF-STREET PARKING SPACE – A parking space provided in a parking lot, parking structure or private driveway.

OFF-TRACT – A tract not located on the property that is the subject of a development application or on a contiguous portion of a street or right-of-way.
OFFICIAL MAP – A map adopted by ordinance pursuant to Article IV of the Pennsylvania Municipalities Planning Code.

ON-SITE – Located on the lot in question.

ON-STREET PARKING SPACE – A parking space that is located on a dedicated or private street right-of-way.

OPEN SPACE – Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

OWNER – Any person who, alone or jointly or severally with other persons, has legal title to any premises. This does not include a lessee, sublessee or other person who merely has the right to occupy or possess the premises.

OWNER-OCCUPIED – The property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means.

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

PARKING LOT – Any lot, municipally or privately owned, for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE – The area required for parking one motor vehicle.

PARTY – A person or group taking one side of a question, dispute or contest.

PEDESTRIAN WALKWAY – An improved thoroughfare designated exclusively for pedestrian traffic.

PERFORMANCE BOND – An agreement by and between a contractor and a bonding company in favor of the developer and the Board of Commissioners guaranteeing the completion of physical improvements.

PERFORMANCE STANDARDS – A minimum requirement or maximum allowable limit on the effects or characteristics of a use, usually written in the form of regulatory language.

PERSON – A person shall mean and include one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers.
PERVIOUS SURFACE – A surface that permits full or partial absorption of stormwater.

PLAN – The map or plan of a subdivision or land development, whether sketch, preliminary or final.

(1) PLAN, FINAL – A complete and exact land development plan, prepared for official recording, to define property rights and proposed streets and other improvements.

(2) PLAN, PRELIMINARY – A tentative land development plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

(3) PLAN, SKETCH – An informal land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not to be presented for approval.

PLANNED RESIDENTIAL DEVELOPMENT – A contiguous area of land controlled by a landowner to be developed as a single entity for a number of residential and nonresidential units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created from time to time under the provisions of a municipal zoning ordinance.

PLANNING AGENCY – The Planning Commission of Upper Allen Township.

PLANNING MODULE FOR LAND DEVELOPMENT – A revision to, or an exception to a revision to, the Township’s Official Sewage Facilities Plan submitted in connection with the request for approval of a subdivision or land development in accordance with Department regulations.

PLANTING STRIP – An easement area where plants, shrubs, trees and ornamental grasses shall be permitted to provide privacy between neighboring properties. No structures, principal or accessory, shall be permitted in the planting strip.

PLAT – See definition of “plan”.

POTABLE WATER SUPPLY – Water suitable for drinking or cooking purposes.

PRACTICE OF ENGINEERING – Means the application of the mathematical and physical sciences for the design of public or private buildings, structures, machines, equipment, processes, works of engineering systems, and the consolation, investigation, evaluation, engineering surveys, planning and inspection in connection therewith, the performance of the foregoing acts and services being prohibited to persons who are not licensed under the laws of
the commonwealth as professional engineers unless exempt under other provisions of the laws of the commonwealth. The term “practice of engineering” shall also mean and include related acts and services that may be performed by other qualified persons, including but not limited to municipal planning, incidental landscape architecture, teaching, construction, maintenance and research, but licensure under the laws of the commonwealth to engage in or perform any such related acts and services shall not be required.

PRACTICE OF LAND SURVEYING – Means the practice of that branch of the profession of engineering which involves the location, relocation, establishment, reestablishment or retracement of any property line or boundary of any parcel of land or any road right-of-way; easement of alignment; the use of principles of land surveying; determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting or replacing any such monument or individual point, including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting managers; proprietors or agents of any place of business from which land surveying work is solicited, performed or practiced; the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration under the laws of the commonwealth as professional land surveyor unless exempt under other provisions of the laws of the commonwealth.

PREAPPLICATION CONFERENCE – An initial meeting between developers and the Zoning Officer and/or Township Engineer which affords applicants and/or developers the opportunity to present their proposals informally.

PRELIMINARY APPROVAL – The conferral of certain rights prior to final approval after specific elements of a development plan have been agreed upon by the Planning Board and the applicant.

PRELIMINARY SUBDIVISION PLAT – A map indicating the proposed layout of a development and related information that is submitted for preliminary approval.

PRIMARY SYSTEM – The portion of connected main highways located within Pennsylvania which now or hereafter may be designated officially by the Secretary of the Pennsylvania Department of Transportation and approved by the Secretary of Transportation of the United States pursuant to Title 23, United States code, “Highways”.

PRIVATE OR NONPUBLIC STREETS – All streets which are not public, including but not limited to streets maintained by private agreements, by private owners, or for which not maintenance responsibility has been established.

PROFESSIONAL ENGINEER – An individual license and registered under the laws of this commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed and registered as a professional land surveyor as defined and set forth in this chapter; however, a professional engineer may perform engineering land surveys.
PROFESSIONAL LAND SURVEYOR – An individual license 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.

PROFILE LINE (STREET CENTER LINE) – The profile of the center line of the finished surface of the street, which shall be midway between the side lines of the street.

PUBLIC – Owned, operated or controlled by a governmental agency (federal, state or local, including a corporation created by law for the performance of certain specialized governmental functions, and the Department of Education).

PUBLIC GROUNDS – Includes:

(1) Parks, playgrounds, trails, paths and other recreational areas and other public areas; and

(2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and

(3) Publicly owned and operated scenic and historic sites.

PUBLIC IMPROVEMENTS – An improvement that has been or will be dedicated for public use or that is designated to provide adequate transportation, water, sewerage, flood protection or recreational facilities or to serve other public requirements in accordance with this Upper Allen Township Subdivision and Land Development Ordinance and the Zoning Ordinance.4

PUBLIC SEWER – A municipal sanitary sewer system, or a comparable common or package sanitary facility, approved by the State of Pennsylvania, Department of Environmental Protection.

PUBLIC STREET/ROAD – A street ordained or maintained or dedicated and accepted by the Township, county, state or federal government and open to public use.

PUBLIC WATER – A municipal water supply system, or a comparable common water facility, approved by the State of Pennsylvania, Department of Environmental Protection.

RECREATION OPEN SPACE – The area of land suitable for the development of specific active recreation facilities for leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites or fields, including but not limited to baseball fields, soccer fields, football fields, tennis, basketball and other court games, hockey facilities, multipurpose fields and community swimming pools and attendant facilities.

4 Editor’s Note: See Ch. 245.
REGULATORY FLOOD ELEVATION – The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

RESIDENTIAL DEVELOPMENT – A subdivision or land development, as those terms are defined in the Pennsylvania Municipalities Planning Code, whether initially or cumulatively, of a tract under single or separate ownership, for the purpose of erecting residential dwelling units.

RETENTION BASIN – A man-made of natural water-collector facility designed to collect surface and subsurface water in a permanent pool for water quality treatment. A retention basin may provide temporary control of stormwater runoff above the permanent pool elevation to store and release stormwater gradually or at a rate not greater than that prior to development of the property into natural or man-made outlets.

RIGHT-OF-WAY – A strip of land occupied or intended to be occupied by a street crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

(1) EXISTING RIGHT-OF-WAY – The right-of-way established by the state or other appropriate governing authority and currently in existence.

(2) FUTURE RIGHT-OF-WAY (ULTIMATE) – The right-of-way deemed necessary by the Upper Allen Township Comprehensive Plan.

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

SCREENING – The provision of a barrier to visibility, airborne particles, glare and noise between adjacent properties, uses and/or districts, composed entirely of trees, berm, shrubs, hedges, sight-tight fences and/or other similar-type materials.

SCREEN PLANTING – A vegetative material of sufficient height and density to conceal from the view of adjoining property owners the structures and uses on the premises on which the screen planting is located.

SEDIMENTATION – The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as “sediment”.
SETBACK (BUILDING SETBACK LINE) – The line within a property defining the required minimum distance between any enclosed structure and the adjacent dedicated right-of-way and the line defining the rear and side yards, where required.

SEWAGE DISPOSAL SYSTEM (ON-SITE) – Any system designed to eliminate sanitary sewage within the boundaries of the lot.

SEWAGE DISPOSAL SYSTEM (PUBLIC OR COMMUNITY) – A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to the central treatment and disposal plant.

SEWAGE ENFORCEMENT OFFICER (SEO) – The Sewage Enforcement Officer of the Township.

SEWER – A public or private utility system designed to collect, centrally treat and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Protection regulations or regulations of the Township, whichever is more stringent. See also “community sewage system” and “individual on-lot sewage system”.

SHADE TREE – A tree in a public place, street, special easement, private property or right-of-way adjoining a street that provides shade.

SHARED DRIVEWAY – A path or road, extending from a public or private road to two lots, buildings, dwellings or structures, intended to provide shared or joint ingress and egress primarily for the occupants thereof.

SIDEWALK – See definition of “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.

SIGHT TRIANGLE – A triangular-shaped portion of land established at street 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.

SINGLE-LOADED STREETS – Streets having houses only on one side. [Comment: When lots are trimmed down in width developers can easily reserve certain street lengths for single loading, such as alongside conservation areas or around village greens or commons, without increasing their average house-lot-to-street-length ratios. Single loading provides home buyers with views that are more uplifting than their neighbors’ garage doors staring back at them. It also provides all subdivision residents with welcome views of their conservation land as they drive, bike, jog, or walk through their neighborhood on a daily basis, increasing everyone’s quality of life as well as their property values].

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SITE – A parcel of land located in the Township, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one lot.

SITE PLAN – An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

SKETCH PLAN – See definition of “plan, sketch”.

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

SOIL CEMENT – A mixture of Portland cement and locally available soil. It serves as a soil stabilizer.

SOIL STABILIZATION – Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

STEEP SLOPE – Land with a fifteen-foot or greater change in elevation within 100 feet or less in horizontal distance or, in other terms, 15% or greater on the average. The following formula is the acceptable method of determining average slope:

\[
S = (0.0023 \times I \times L) - A
\]

WHERE

- \( S \) = Average percent slope of site
- \( I \) = Contour interval in feet
- \( L \) = Sum of the length of contours in feet
- \( A \) = Land area in areas of parcel being considered

STORMWATER DETENTION – A provision for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.

STREET – Street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are classified in accordance with the Upper Allen Township Comprehensive Plan and are defined as follows:

(1) INTERSTATE HIGHWAY – Limited access highway designed for traffic between major regional areas or larger urban communities of 50,000 or more; these highways extend beyond state boundaries, with access limited to interchanges located by the U.S. Department of Transportation.
(2) FREEWAY – Limited access road designed for large volumes of traffic between communities of 50,000 or more to major regional traffic generators (such as central business districts, suburban shopping centers and industrial areas); freeways should be tied directly to arterial roads, with accessibility limited to specific interchanges to avoid the impediment of through traffic.

(3) PRINCIPAL ARTERIAL HIGHWAY – A principal arterial provides land access while retaining a high degree of through-traffic mobility and serves major centers of urban activity and traffic generation. They provide a high-speed, high-volume network for travel between major destinations in both rural and urban areas.

(4) MINOR ARTERIAL HIGHWAY – A minor arterial gives greater emphasis to land access with a lower level of through-traffic mobility than a principal arterial and serves larger schools, industries, hospitals and small commercial areas not incidentally served by principal arterials.

(5) COLLECTOR HIGHWAY – A collector road serves dual functions: collecting traffic between local roads and arterial streets and providing access to abutting properties. It serves minor traffic generators, such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal and minor arterials.

(6) LOCAL ROADS – Those that are local in character and serve farms, residences, businesses, neighborhoods and abutting properties.

(7) LOOP STREET – A local street of limited length which is intended to serve as direct or indirect access to residential lots, which begins and terminates in the same street or highway, but not necessarily at the same location.

STREET GRADE – The officially established grade of the street upon which a lot front, or, in its absence, the established grade of other streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at some midpoint shall be taken as the street grade.

STREET WIDTH – The distance between street lines measured at right angles to the center line of the street.

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

STRUCTURE, ACCESSORY – A structure subordinate to and detached from the main building on the same lot, the use of which is customarily incidental to that of the principal structure on the lot. An accessory structure shall exclude any vehicle as defined by the Pennsylvania Motor Vehicle Code.
STRUCTURE, NONCONFORMING – A structure or part of a structure that does not comply with the applicable provisions in this chapter or amendment theretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this chapter or amendment or prior to the application of this chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

SUBDIVIDER – The owner or authorized agent of the owner of the lot, tract or parcel of land to be subdivided for sale or development under the terms of this chapter. See definition of “applicant” or “developer”.

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

SUBGRADE – The natural ground lying beneath the road.

SUBSTANTIAL DAMAGE – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of the Zoning Ordinance of Upper Allen Township, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TOWNSHIP – The Township of Upper Allen, Cumberland County, Pennsylvania, Board of Commissioners (Township Commissioners), its agents or authorized representatives.

TRACT – In certain districts and uses, the tract is the minimum amount of land required prior to subdivision into allowed lots.

TRAILER – See definition of “mobile home”.

UNDEVELOPED LAND – A lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building.
USE – The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term “permitted use” or its equivalent shall not be deemed to include any nonconforming use.

(1) USE, ACCESSORY – A use customarily incidental and subordinate to the principal use, building or structure, and located on the same lot with this principal use, building or structure.

(2) USE, PRINCIPAL – The main or primary use of property, buildings or structures.

VEGETATIVE COVERAGE – An area covered with a vegetative material: grass, shrubs, vines and trees.

VIEWSHED – That portion of the landscape which can be readily viewed by the observer from one or more vantage points. The extent of area that can be viewed is commonly delineated by landform, vegetation and/or distance.

WALKWAY – An area designed for pedestrians constructed to the standards set forth in this Upper Allen Township Subdivision and Land Development Ordinance.

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

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

WATER SURVEY – An inventory of the source, quantity, yield and use of groundwater and subsurface resources within the municipality.

WATERCOURSE – A stream of water, river, brook, creek or channel or ditch for water, whether natural or man-made.

WETLANDS – Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for live in saturated soil conditions, including swamps, marshes, bogs and similar areas.

YARD – A space open to the sky and unoccupied by any building, structure or merchandise for display, sale or storage, located on the same lot with a building or structure.

(1) YARD, BUFFER – A space open to the sky and unoccupied by any building, structure or merchandise for display, sale or storage, located on the same lot with a building or structure, but in addition to and outside of the required front yard, rear yard and side yards.
(2) YARD, EXTERIOR – An open, unoccupied space between the buildings of a dwelling group or its accessory buildings and the project boundary or street line.

(3) YARD, FRONT – An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the required building setback line. The depth of the front yard shall be measured from the street line into the required building setback line. On a corner lot there shall be a front yard along the street line.

(4) YARD, INTERIOR – An open, unoccupied space between the buildings of a dwelling and its accessory buildings; not a front, side or rear yard.

(5) YARD, REAR – An open, unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the required building setback line. The depth of the rear yard shall be measured between the rear line of the lot and the required building setback line. A building shall not extend into the required rear yard. On a corner lot, the rear yard should be the yard area opposite the street of address.

(6) YARD, SIDE – An open, unoccupied space on the same lot with the building between the side line of the lot and required building setback line. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards. On a corner lot, there should only be one side yard.

YIELD PLAN – One of two methods of determining the maximum number of permitted dwelling units in a conservation subdivision where the yield plan is a conceptual layout plan in accordance with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although the yield plan is drawn to scale, it need not be based on a field survey. The yield plan is based on a chosen density factor of a given conservation subdivision option and is applied to the gross tract acreage. The actual methodology is outlined in the Upper Allen Township Zoning Ordinance, as amended. The other method is the adjusted tract area approach.

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Editor’s Note: See Ch. 245.
ARTICLE III
Plan Requirements and Processing Procedures

§ 220-3.1. Preparation and filing of plan.

A. Whenever a subdivision of land or land development is desired to be affected in the Township of Upper Allen, Cumberland County, Pennsylvania, a plan of the layout shall be prepared, filed and processed with the Planning Commission and the Board of Commissioners according to the requirements of the Subdivision and Land Development Ordinance.

(1) A lot add-on subdivision plan that does not create any additional lots may receive Township Planning Commission approval. The Planning Commission, upon approval or denial, shall give notice to the developer in accordance with the Pennsylvania Municipalities Planning Code. The lot add-on shall meet the following requirements:

(a) The existing parcel of land may be added, in whole or in part, to another existing lot for the sole purpose of increasing the lot size, provided that:

[1] The parcel to be added shall be contiguous to the existing lot; and

[2] The lot created shall be conveyed to the adjoining property owner and shall be considered an extension of that property owner’s original lot; and

[3] The plan shall not create a nonconforming lot; and

[4] The plan shall not alter street alignments, drainage easements, stormwater management facilities, storm sewer facilities, or other rights-of-way; and

[5] Access to all affected lots are not changed.

(b) The plan shall be prepared in accordance with applicable final plan requirements of this chapter, except a separate preliminary plan need not be filed.

(c) If a waiver or modification of the Subdivision and Land Development Ordinance has been requested, then review by the Board of Commissioners is mandatory.

B. Each applicant shall follow the procedures for the submission and processing of plans and specifications for such plans as set forth in this article.

§ 220-3.2. Sketch plans and data procedure.
A. Prior to the preparation and filing of the preliminary plan, applicants are strongly encouraged, but not required, to submit to the Planning Commission the following plans and data, and may ascertain from the Planning Commission those elements which should be considered in the design of the subdivision or land development. These shall include any features of the Upper Allen Township Comprehensive Plan or of any other plans of the Planning Commission, including but not limited to proposed streets, recreation areas, drainage reservations, shopping centers and school sites. Submission of a sketch plan shall not constitute a formal filing of the plan with the Township.

B. If the applicant desires to submit a sketch plan and for the project to appear on the Township Planning Commissions agenda, it is required that a request for preapplication review include a minimum of 12 copies of a sketch plan, unless otherwise noted by the Township, and electronic submission of the plan and any other materials (PDF format is preferred), and one application form available from the Township for consideration of a subdivision and/or land development plan. The request shall be submitted to the Township by the first business day of the month, unless otherwise noted by the Township, in which the plan will be considered by the Township Planning Commission. The applicant will be charged reasonable fees in accordance with Article VII for engineering-related services. Fees will be set by resolution of the Board of Commissioners.

§ 220-3.3. Preapplication conference.

As part of the subdivision and land development process, it is strongly encouraged that the applicant schedules a preapplication conference with the Township Engineer, Township Planner, and/or Zoning Officer prior to submission of the preliminary and final subdivision and/or land development plan. The purpose of the preapplication conference is to: 1) foster an informal plan review between the applicant and the Township staff; 2) reduce the subdivision processing time and costs for the applicant; and 3) expedite the Township’s review and approval process once the plan is formally submitted. The following procedures and information should be addressed in the preapplication conference:

A. The preapplication conference shall be scheduled prior to the initial plan submission.

B. The applicant shall be charged reasonable fees in accordance with Article VII for engineering-related services.

C. Due to the informal nature of the preapplication conference, the applicant or the Township shall not be bound by any determination of the preapplication conference.

§ 220-3.4. Sketch plans and data specifications.

A. The sketch plan shall show the following information:

B. General information. The individual shall provide a narrative describing the proposed subdivision or land development that shall address the following items:
(1) Purpose and scope of the subdivision or land development.

(2) Existing land use patterns and conditions of subject tract area and contiguous parcels.

(3) Major development feature(s).

(4) Provisions for water supply and sewage disposal.

(5) Historical sites.

C. Location map. Provide a map (minimum scale one inch equals 2,000 feet) showing the proposed subdivision or land development’s location with respect to the existing community facilities, local street systems and municipal boundaries.

D. Sketch plan. Provide a drawing of the proposed land development with the following features:

(1) Name and address of developer and/or owner, name of municipality, proposed name of the development, North arrow and date.

(2) Tract boundaries.

(3) Number of acres in the tract, average lot size, approximate number of lots, and anticipated type of development.

(4) Existing and proposed streets, highways, railroads, rights-of-way, sewers, water mains, fire hydrants and storm sewers.

(5) Proposed general lot layout.

(6) All public facilities such as schools and parks.

(7) Predominant natural features such as wooded areas, streams, wetlands, floodplains and others as addressed in the Upper Allen Township Comprehensive Plan.

(8) A location map for the purpose of locating other streets, developments, recreation areas and rights-of-way to better plan the proper locations of the same.

(9) Topography, showing contours at vertical intervals of five feet or as required by the Township Engineer.

(10) Name of the engineer, surveyor or other qualified person responsible for the map(s).

E. The sketch plan must be drawn to scale. However, approximate dimensions will be accepted. The plan may be a simple sketch drawn on a topographic map.
§ 220-3.5. Preliminary plans.

A. Application and review procedure.

(1) Filing. A separate preliminary plan application is required when a subdivision or land development is to be completed in more than one phase, whether proposed initially or cumulatively.

(2) Preliminary plans shall be submitted to the Township by the first business day of the month, unless otherwise noted by the Township, in which the plan will be considered by the Township Planning Commission in order to be placed on the agenda.

(a) Plans submitted to other regulatory agencies shall be submitted by the first business day of the month, unless otherwise noted by the Township or the agency.

(b) If at any time it is necessary to revise the preliminary plan or associated plans, reports, etc., such revised plans and/or documents must be submitted not less than fifteen (15) business days prior the Planning Commission’s or Board of Commissioners’ regularly scheduled meeting date in order to be placed on the agenda. Additional time may be required by the Township.

(3) Applicants are required to submit a sewer facilities plan revision, supplement or proof of request for a planning module exemption in conjunction with the preliminary plan.

(4) Application requirements. A preliminary plan application shall include the following:

(a) A minimum of 15 copies of the preliminary plan and two copies of all reports, notifications and certifications which are specified in § 220-3.7, unless otherwise noted by the Township. Additional copies of the preliminary plan and reports may be required by the Township.

(b) One application form.

(c) Electronic submission of the plan, reports, notifications, certifications, façade drawings, and other required items. PDF format is preferred.

(d) Filing fee as set by resolution of the Board of Commissioners.

(5) Proper completion. The designated Township representative shall first determine that the preliminary plan application is complete with Subsection A(4). This determination does not constitute approval or disapproval of the plan but is provided to assure the submission of sufficient data for the Board of Commissioners to make a formal action on the plan. The Township shall complete an administrative review of the application
within 10 calendar days of the plan submission. If the application is found to be incomplete, the applicant shall be notified in writing that the submitted data does not constitute a formal filing of the preliminary plan and specify the deficiencies.

(6) Distribution. A designated Township representative shall distribute the preliminary plan to the Township Zoning Officer, Township Solicitor, Township Engineer, Fire Department, Police Department, Township Planning Commission, Board of Commissioners, and, if deemed necessary, other officials, boards and agencies. It shall be the responsibility of the developer to distribute plans to outside review and regulatory agencies for required approvals (e.g. adjacent municipalities, School Board, PennDOT, Cumberland County Conservation District, PA DEP, County Planning Commission, Natural Resource Conservation Service, etc.).

(7) Action by Township. The Township will review and comment concerning the conformance of the submitted plan with Township ordinance governing design standards, improvements and construction requirements; and conformance with Township requirements for installation of individual approved sewage facilities and other applicable regulatory requirements. Where a proposed subdivision or land development is located in more than one municipality, the Board of Commissioners may defer action on the plan until approval from the adjacent municipality is granted. All costs incurred through the conducting of any engineering tests shall be the responsibility of the developer. The Township may provide the developer an estimate of such costs for tests deemed necessary.

(8) Action by Township Planning Commission. The Planning Commission shall review and recommend approval to the Board of Commissioners.

(9) Action by Board of Commissioners. The Board of Commissioners shall approve or disapprove and shall give notice to the developer in accordance with the Pennsylvania Municipalities Planning Code.

(a) Approval of the preliminary plan by the Board of Commissioners constitutes conditional approval of the development as to the character and intensity of development, the layout, and the approximate dimensions of streets, lots, and other planned features. This approval binds the development to the scheme shown on the preliminary plan.

(b) Approval of the preliminary plan shall not constitute approval of the final plan, nor does it authorize recording of the preliminary plan to proceed with the construction of proposed improvements or the sale of any lots. However, such approval does authorize the developer to proceed with the preparation of the final plan.
B. In addition to the requirements outlined in Subsection A, the following preliminary plan procedures shall apply to conservation subdivisions in accordance with the Upper Allen Township Zoning Ordinance, as amended.  

(1) The applicant is strongly encouraged to submit a sketch plan, in accordance with § 220-3.4 of this chapter, prior to submission of preliminary plans. It is further recommended that the existing resources and site analysis plan be prepared during the sketch plan.

(2) Four-step design process. It is recommended that the following four-step design process is used to lay out conservation subdivisions to ensure that natural features are protected:

(a) Step 1: Delineation of greenway lands and/or conservation lands.

[1] The minimum percentage and acreage of required greenway lands should be calculated by the applicant and submitted as part of the sketch plan or preliminary plan in accordance with the provisions of this chapter and of the Upper Allen Township Zoning Ordinance.  

[2] Greenway/conservation lands would include all primary conservation areas comprising floodplains, wetlands and slopes over 25% of those parts of the remaining buildable lands with the highest resource significance. Secondary conservation areas would be delineated to meet the minimum area percentage requirements for greenway/open space lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.

(b) Step 2: Location of house sites. Potential house sites would be tentatively located, using the proposed greenway/open space lands as a base map as well as other relevant data on the existing resources and site analysis plan such as topography and soils. House sites shall not be located closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas.

(c) Step 3: Alignment of streets and trails. Upon designating the house sites, a street plan would be designed to provide vehicular access to each house, complying with the standards herein and bearing a logical relationship to topographic conditions.

[1] Impacts of the street plan on proposed greenway/open space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%, etc.
[2] Streets shall be laid out to minimize the number of new cul-de-sac and loop streets.

(d) Step 4: Drawing in the lot lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

C. Preliminary plan specifications.

(1) The preliminary plan shall be submitted with an application for consideration of a subdivision and/or land development plan and an electronic copy of the plan and reports, and all subsequent amendments.

(2) The preliminary plan shall be drawn at a scale of 10, 20, 30, 40, or 50 feet to one inch. Sheet size shall be 24 inches by 36 inches. The preliminary plan shall show the following information:

(a) Proposed land development name or identifying title.

(b) The municipality or municipalities in which the land development is located. If the project is located in the vicinity of a municipal boundary, the location of said boundary shall be shown on the plan.

(c) North point, scale and date.

(d) Name and address of the owner of the property or authorized agent.

(e) Name, seal and signature of the registered engineer and registered surveyor responsible for the plan.

(f) Total acreage of the tract.

(g) Maximum building height, number of lots, proposed density and minimum lot size.

(h) Signature blocks for approval by the Board of Commissioners and Planning Commission (See § 220-3.8).

(i) Length and width of new streets proposed.

(j) Type and locations of water supply and sewage disposal facilities proposed (i.e. on-lot or public). For on-lot systems, the location of percolation tests must be shown.
(k) Proposed use of land, existing zoning classification for the property and all surrounding properties and proof of any conditional uses, variances or special exceptions which may have been granted. A statement shall also be added to the plan indicating any zoning amendment, conditional use, special exception or variance granted, if applicable.

(l) A location map for the purpose of locating the site in relation to the surrounding neighborhood and community. The location map should be at a scale of not less than 2,000 feet to one inch.

(m) Tract boundaries clearly showing bearings and distances. Lot line descriptions shall read in a clockwise direction.

(n) Source of title of all existing lots.

(o) Proposed contours at two-foot vertical intervals or as required by the Township Engineer.

(p) Datum to which contour elevations refer. Where reasonably practicable, data shall refer to the PA State Plane projections, PA South Zone (3702), MAD83 horizontal datum, NAVD88 vertical datum. Units shall be in US survey foot.

(q) The names of owners of immediately adjacent land; the names of proposed or existing land developments immediately adjacent, and the locations and dimensions of any streets or easements shown thereon which abut the land to be developed.

(r) Soil types as indicated by the Soil Survey of Cumberland County, latest edition.

(s) All existing watercourses, tree masses and other significant natural features, such as rock outcrops, springs, seeps, wetlands, and floodplains. Large trees (thirty-inch caliper or larger) shall be shown separately, even if located within a tree mass.

(t) All existing buildings, sewers, water mains, culverts, petroleum lines, telephone and electrical lines, gas lines, fire hydrants and other man-made features, including size, type, location and ownership.

(u) All existing streets on, adjacent to, or within 200 feet of any part of the tract, including name, right-of-way width, and cartway width.

(v) All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established, with accurate dimensions, bearings or deflection angles and radii, arcs and central angles of all curves. Transmission line easements for gas, electric and petroleum lines
shall be specifically noted as such. Special conditions required by these easements shall be noted on the plan.

(w) Blocks and lots shall be numbered in consecutive order (e.g. Block A, Lots 1-10; Block B, Lots 11-22).

(x) Location of all proposed buildings and other significant proposed man-made features.

(y) Location, dimensions and purpose of all proposed streets, alleys, sidewalks, rights-of-way and easements; proposed lot lines with dimensions; driveway access points on all lots where proposed; proposed minimum building setback line and dimensions for each street; proposed buffer yard setback lines; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.

(z) The location of existing lot line markers along the perimeter of the entire existing tract.

(aa) Design of all proposed sanitary sewer, water, storm sewer, and stormwater management facilities, including accurate plan and profile data.

(bb) Where the preliminary plan covers only a part of the developer’s entire holding, a sketch shall be required of the prospective street layout for the remainder.

(cc) The location and configuration of proposed parking facilities and access drives.

(dd) A notarized statement to the effect that the applicant is the owner of the land proposed to be developed and that the land development shown on the preliminary plan is made with the applicant’s free consent.

(ee) Recreation and open space areas.

(ff) Plans must include separate drawings to show façade treatment, elevations, floor plans, lighting and signing.

(gg) Location and sight distances of driveway access points for land development plans.

(hh) When phasing of the development is proposed, plans shall illustrate a phasing plan that includes all plan elements required by this chapter.
(ii) Where the plan proposed the creation of any new streets, the application shall be accompanied by a listing of proposed street names, which shall be reviewed by appropriate officials of Upper Allen Township and the United States Postal Service to determine that the same are not identical or deceptively similar to any existing street names.

(jj) A statement on the plan indicating any existing or proposed modifications, waivers or deferrals granted by the Township and the date of said action. Any deferred improvements shall be shown on all plans with detail specifications as future improvements. A note shall be placed on all plans indicating that such deferment is valid until such time as the Board of Commissioners deems the improvement necessary.

(kk) Radiuses of streets and turnarounds.

(3) Applicants proposing a conservation subdivision in accordance with the Upper Allen Township Zoning Ordinance shall provide the following additional information at the time of preliminary plat submission:

(a) An existing resources and site analysis plan with a preliminary resource impact and conservation subdivisions. The existing resources and site analysis plan shall be prepared to provide the developer and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within 500 feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies and from aerial photographs.

(b) The following information shall be included in the existing resources and site analysis plan:

[1] A vertical aerial photograph enlarged to a scale of not less detailed than one inch equals 400 feet, with the site boundaries clearly marked.

[2] The location and delineation of ponds, streams, ditches, drains and natural drainage swales, as well as the one-year floodplains and wetlands. Additional areas of wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.

[3] Vegetative cover conditions on the property according to general cover type, including cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of 15 inches, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
[4] Soil series, types and phases, as mapped by the Cumberland County Soil Survey, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).

[5] Ridgelines and watershed boundaries shall be identified.

[6] Geologic formations on the proposed development parcel, including rock outcropping, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.

[7] All existing man-made features, including but not limited to buildings, streets and culverts, driveways, farm roads, wood roads, bridges, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, storm and sanitary sewers and water mains.

[8] Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stonewalls, earthworks, and graves.

[9] Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).

c) The preliminary resource impact and conservation report shall contain a report and map of impact areas which clearly demonstrate the impact of proposed development activities and physical alterations on existing site resources and measures taken to minimize site disturbance to the greatest extent practicable. The qualifications and experience of the preparer shall be provided.

d) Adjusted tract area (ATA) calculations for all conservation subdivisions in accordance with the Upper Allen Township Zoning Ordinance9, showing the total acreage of the tract and the constrained land area, with detailed supporting calculations.

e) Yield Plan (conventional subdivision design): option method in place of the adjusted tract area calculations above, for calculating density in conservation subdivisions and in accordance with the Upper Allen Township Zoning Ordinance. The yield plan shall be based upon the density factor of the chosen option applied to the gross tract acreage.

f) Community association document. A community association document, also known as a “homeowners’ association document” or a “condominium 

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9 Editor’s Note: See Ch. 245, Zoning.
association document”, shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by all residents of the subdivision or land development and not deeded to the municipality. The elements of the community association document shall include, but not be limited to, the following:

[1] A description for all lands and facilities to be owned by the community association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.

[2] Statements setting forth the powers, duties, and responsibilities of the community association, including the services to be provided.

[3] A declaration of covenants, conditions, and restrictions, giving perpetual easement to the lands and facilities owned by the community association. The declaration shall be a legal document which also provides for automatic association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the association, including voting, elections and meetings. Furthermore, it shall give power to the association to own and maintain the common property and to make and enforce rules.

[4] Statements prescribing the process which community association decisions are reached and setting forth the authority to act.

[5] Statements requiring each owner within the subdivision or land development to become a member of the community association.

[6] Statements setting cross-covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.

[7] Requirements for all owners to provide a pro rata share of the cost of the operations of the community association.

[8] A process of collection and enforcement to obtain funds from owners who fail to comply.

[9] A process for transition of control of the community association from the developer to the unit owners.

[10] Statements describing how the lands and facilities of the community association will be insured, including limit of liability.

[11] Provisions for the dissolution of the community association, in the event the association should become unviable, including provisions
requiring individual unit owners’ responsibility for maintenance of common areas and private streets after the dissolution of the association.

(g) Preliminary greenway/conservation land ownership and management plan for all subdivision and land developments which include greenway/open space lands. Using the preliminary plan as a base map, the boundaries, acreage and proposed ownership of all proposed greenway areas shall be shown. In addition, the applicant shall also submit a preliminary greenway ownership and management plan detailing the entities responsible for maintaining various elements of the property and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of the Upper Allen Township Zoning Ordinance (“Ownership and maintenance of conservation and greenway areas and common facilities”).

(4) The preliminary plan shall include thereon or be accompanied by:

(a) Feasibility study on sewer and water facilities for the tract (§ 220-3.7) and for land developments, a plan revision module for land development along with recommendations from the regional office of the PA DEP.

(b) Reports in accordance with § 220-3.7 for subdivisions and land developments, where applicable, unless waived by the Board of Commissioners.

(c) Profiles, typical cross sections and specifications for proposed street improvements. Profiles shall be drawn at a horizontal scale of one inch equals 50 feet and at a vertical scale of one inch equals 10 feet or one inch equals five feet.

(d) Profiles and other explanatory data concerning the installation of sanitary and storm sewage systems and water distribution systems. Profiles shall be drawn at a horizontal scale of one inch equals 50 feet and at a vertical scale of one inch equals 10 feet or one inch equals five feet.

(e) Preliminary engineering designs of any new bridges or culverts proposed in the tract.

(f) A drawing of all present and proposed grades and facilities for stormwater drainage and supporting calculations.

(g) Design of all landscaping and buffer yards complying with the requirements of this chapter. A landscaping plan shall be provided to include the location of

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10 Editor’s Note: See § 245-11.10.
proposed plantings, type, size, etc. A table must be included on the plan to show what plantings are required by this chapter and the Zoning Ordinance\textsuperscript{11} and what plantings are being provided.

(h) Erosion and sedimentation control plans and post construction stormwater management plans, as required by the Cumberland County Conservation District and PA DEP.

(i) Photometric plans.

(j) Wetland delineation report and jurisdictional determination from the U.S. Army Corps of Engineers.

(k) Wetland mitigation plans.

(l) Soil percolation tests shall be performed for all developments where structures at the time of construction will not be connected to any active public sewage disposal systems. Tests will be made in accordance with the procedure required by the PA DEP. The Township Sewage Enforcement Officer and/or a sanitarian of the PA DEP shall certify that a location is available for the on-lot sewage disposal system for each lot. The minimum lot size where on-lot systems and wells are proposed shall be one acre. All lots relying on on-lot sewage disposal systems shall test and designate an alternate absorption area, perpetually protected from disturbance by a permanent easement. Alternate absorption areas shall not be permitted in common areas of the proposed development.

(5) Notifications.

(a) Where the tract described in the application includes any public utility, electric transmission line, gas pipeline, or petroleum product transmission line located within the tract, the applicant or lessee of such right-of-way shall notify the owner of the right-of-way of his intentions. A note stating any conditions regarding the use of the land, minimum building setback, or right-of-way lines shall be included on the plan. This requirement may also be satisfied by submitting a copy of the recorded agreement.

(b) Where the land included in the subject application has an agricultural, woodland, or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land. This requirement may also be satisfied by submitting a copy of the recorded easement.

\textsuperscript{11} Editor’s Note: See Chapter 245, Zoning.
(c) Where applicable, the plan shall include a note indicating the absence of streams, wetlands, rock outcrops, soil subsidences, floodplains, contaminated soils, or slopes in excess of 25%.

(d) In the case of a plan which requires access to the highway under the jurisdiction of PennDOT, the following statement shall be included:

“A highway occupancy permit is required pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the ‘State Highway Law.’”

§ 220-3.6. Final plans.

A. Application and review procedure.

(1) A final plan application is required of all subdivision and land development plans. When a preliminary plan application is required, in accordance with § 220-3.5., applications for final plan approval can be submitted only after obtaining preliminary plan approval.

(2) Final plan details shall include all applicable information required for a preliminary plan, in accordance with § 220-3.5.

(3) The final plan shall be consistent with the preliminary plan. The final plan may include sections of an approved preliminary plan, provided each section independently conforms to the ordinance, regulations and other standards of the Township, and includes a reasonable portion of the preliminary plan.

(4) Final plan shall be submitted to the Township by the first business day of the month, unless otherwise noted by the Township, in which the plan will be considered by the Township Planning Commission in order to be placed on the agenda.

(a) Plans submitted to other regulatory agencies shall be submitted by the first business day of the month, unless otherwise noted by the Township or the agency.

(b) If at any time it is necessary to revise the final plan or associated plans, reports, etc., such revised plans and/or documents must be submitted not less than fifteen (15) business days prior the Planning Commission’s or Board of Commissioners’ regularly scheduled meeting date in order to be placed on the agenda. Additional time may be required by the Township.

(5) Final plan applications shall include the following:

(a) A minimum of 15 copies of the final plan and two copies of all reports, notifications and certifications which are specified in § 220-3.7 unless
otherwise noted by the Township. Additional copies of the final plan and reports may be required by the Township.

(b) One application form available from the Township for consideration of a subdivision and/or land development plan.

(c) Filing fee as set by resolution of the Board of Commissioners.

(d) An electronic copy of the plan reports, notifications, certifications, façade drawings, and other required items, and all subsequent amendments. PDF format is preferred.

(6) Proper completion. The designated Township representative shall first determine that the final plan application is complete in accordance with § 220-3.6.A(5). This determination does not constitute approval or disapproval of the final plan but is provided to assure the submission of sufficient data for the Planning Commission to make a formal action on lot add-on plans, and for the Board of Commissioners to make a formal action on all other final plans. If the application is found to be incomplete, the applicant will be notified in writing that the submitted data does not constitute a formal filing of the final plan and specify the deficiencies.

(7) Distribution. A designated Township representative shall distribute the final plan to the Township Zoning Officer, Township Solicitor, Township Engineer, Township Planning Commission, Board of Commissioners, Fire Department, Police Department, and, if deemed necessary, other officials’ boards and agencies. It shall be the responsibility of the developer to distribute plans to outside review and regulatory agencies for required approvals (e.g. adjacent municipalities, school board, PennDOT, Cumberland County Conservation District, PA DEP, County Planning Commission, Natural Resource Conservation Service, etc.).

(8) Guarantee. Before recording an approved final plan, the Board of Commissioners shall be assured by means of a financial guarantee, as provided in Article IV of this chapter, that all improvements required by this chapter will be installed by the developer in strict accordance with the Commissioners’ approval and within a specified time after approval of the final plan.

(9) Earthmoving activities:

(a) All earthmoving activities within the Township shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation.

(b) In order to fulfill the requirements of the PA DEP Rules and Regulations, Chapter 102, for any subdivision which requires the construction of streets or other earthmoving activity on an area of over 5,000 square feet, the Township Planning Commission shall not recommend approval and the Board of
Commissioners shall not approve the final plan unless the subdivider submits evidence of having obtained all applicable permits from the Cumberland County Conservation District and PA DEP.

(10) Any plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall not be finally approved and recorded unless the highway occupancy permit has been acquired pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the “State Highway Law”.

(11) The Board of Commissioners shall determine whether final plans, with the exception of lot add-on plans unless otherwise determined by the Planning Commission, shall be approved or disapproved and shall give notice to the developer in accordance with the Pennsylvania Municipalities Planning Code.

(12) The Board of Commissioners in its final approval of a plan may condition such approval on the developer entering into a development agreement with the Township detailing the plan elements, specifications and improvements agreed upon. Such agreement shall be prepared by the Township and shall be duly executed and acknowledged by the developer and the Township and shall be binding upon the developer and upon the developer’s heirs or successors and assigns. The failure or refusal of the developer to sign the development agreement within 10 calendar days of its presentation for signature shall result in a deemed denial of the plan.

(13) Upon approval of the final plan, the developer shall record such plat in the Office of the Recorder of Deeds of Cumberland County, in accordance with the Pennsylvania Municipalities Planning Code.

(14) Upon approval of the final plan, the developer shall provide the Township with a .dwg file that includes one drawing of all the lots on the plan. The data should include the recorded information, to include parcel and tract boundaries, lot lines, building footprints, edge of pavement, street rights-of-way (to include curbs and sidewalks), storm sewer infrastructure, sanitary sewer infrastructure, any utility or easements (public and private), hydrants, and other data as deemed necessary by the Township and with spatial projection of PA State Plane projections, PA South Zone (3702), MAD83 horizontal datum, NAVD88 vertical datum. Units shall be in US survey foot. A digital copy of the final plan in PDF format shall also be submitted.

B. Specifications.

(1) The final plan shall be drawn at a scale of 10, 20, 30, 40 or 50 feet to one inch. Sheet size shall be 24 inches by 36 inches, unless otherwise noted by the Township. The final plan shall include all specifications shown under § 220-3.5 for preliminary plans in addition to the following information:

(a) Certification of title showing that the applicant is the owner of the land.
(b) For subdivisions, certification by a licensed surveyor and licensed engineer certifying to the accuracy of survey and plan. For a land development plan, certification by a licensed surveyor, licensed engineer or landscape architect, certifying to the accuracy of the proposed development plan.

(c) A complete street layout shall be provided at a scale of one inch equals 800 feet.

(d) Primary control points, approved by the Township Engineer, or description and “ties” to such control points, to which all dimensions, angles, bearings and similar data on the plan shall be referred.

(e) Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line and to reproduce such lines upon the ground. Such data to be tied into monuments as required.

(f) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use for the purpose for such areas.

(g) All dimensions shall be shown in feet and hundredths of a foot.

(h) The location and materials for permanent reference monuments shall be shown on the plan.

(i) Statement of owner dedicating streets, rights-of-way, and any sites for public use which are to be dedicated.

(j) The final grading plan shall include finish floor elevations for proposed structures and spot elevations as needed to clarify proposed grades.

(k) Landscaping plan meeting the requirements of this chapter. A landscaping plan shall be provided to include the location of proposed plantings, type, size, etc. A table must be included on the plan to show what plantings are required by this chapter and the Zoning Ordinance\(^\text{12}\) and what plantings are being provided.

(l) Plans must be prepared in permanent black opaque ink or in black print Mylar.

(m) Note in § 220-5.10.(A)(2) must be on plans.

(n) Plans must contain original signatures signed in permanent black opaque ink.

(o) Plans shall be legible in all details.

\(^{12}\text{Editor's Note: See Chapter 245, Zoning.}\)
(p) When phasing of the development is proposed, plans shall illustrate a phasing plan that includes all plan elements required by this chapter.

(q) Location of percs, probes and wells. Wells must maintain the minimum separation distances, as required by DEP, from both the primary and alternate absorption areas.

(r) Plans must include the Pennsylvania One Call System, Inc., number (1-800-242-1776) as the contact prior to any excavation activities.

(s) Clear sight triangles and stopping sight distances, as required by Article V of this chapter.

(2) The plan shall be accompanied by the following data:

(a) Profiles of streets showing grades at a minimum scale of 50 feet horizontal and five or 10 feet vertical.

(b) Cross sections of streets showing the width of right-of-way, width of cartway, location and width of sidewalks, and location and size of utility mains. Cross sections shall be at intervals of 50 feet, or as required by the Township Engineer. Cross sections shall be provided for the construction of new streets and for the widening of existing streets.

(c) Plans and profiles of proposed sanitary and/or stormwater sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

(d) Location and method of streetlighting facilities, including who will maintain the streetlight facilities, if any.

(e) Other state and county certificates as may be required.

(f) Proposed protective covenants running with the land, if any.

(g) Such certificates, affidavits, endorsements or dedications as may be required by the Planning Commission or the Board of Commissioners of the municipality in the enforcement of these regulations, and at least in the amount and form as provided for in § 220-3.7.

(h) A cost estimate of public improvements for establishment of the financial security, in accordance with Article IV of this chapter.

(i) Final engineering and design of any bridges or culverts.
(3) Notifications.

(a) All notifications required under the preliminary plan specifications shall be included on the final plans.

(b) A statement must be included on the plan to indicate any modifications, waivers or deferrals granted by the Board of Commissioners and the date of said action. Any deferred improvements shall be shown on all plans with detail specifications as future improvements. A note shall be placed on all plans indicating that such deferment is valid until such time as the Board of Commissioners deems the improvement necessary.

(c) Notification from DEP that approval of the sewer facility plan revision module for land development or supplement has been granted or notice from DEP that such approval is not required.

(d) Notification from the appropriate state and federal agencies that permits have been issued or are not required, for any proposed activities within streams, wetlands, or any other state or federally regulated body of water. These permits include, but are not limited to, floodplain encroachment permits, dam permits, earth disturbance permits, stream encroachment permits and general permits.

(e) When a final plan is submitted in sections, the above notifications for all applicable activities on the entire site shown on the approved preliminary plan shall be provided upon submittal of the first final phase of the project.

§ 220-3.7. Reports.

A. Sanitary sewer. A sewer facilities plan revision module for land development, or supplement, when required by the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended.

B. Hydrogeologic/water facilities study.

(1) A hydrogeologic/water facilities study, describing the availability and/or adaptability of water facilities in or near a proposed subdivision or land development, shall be prepared and submitted to the Township.

(2) The hydrogeologic/water facilities study shall be prepared by a registered professional engineer or hydrogeologist experienced in the field and procedures involved. The report shall be submitted in conjunction with the preliminary and final plans for review by the Township Engineer.

(3) The hydrogeologic/water facilities study shall be prepared as a written report and shall include the following basic data in textual and tabular form:
(a) A project narrative describing the overall project.

(b) A narrative describing and focusing on the development site and an area of one-fourth-mile buffer surrounding the site.

(c) The report study shall consist of an examination of the possible use of on-site water supply systems and the impact of such systems on groundwater supply, connection to an existing water supply system or the construction of a central community system.

(d) The study shall include a complete geologic profile and plan and a discussion of the effect of the proposed development and construction activity on the groundwater supply.

(e) The study shall also include a statement and justifiable analysis by the registered professional engineer or licensed geologist as to the sufficiency of the subsurface aquifers to support on-lot water systems for the proposed development, verified by well testing and other appropriate means, as well as analyzing the impact on existing sources.

(f) The study shall describe the distance from the nearest public water supply system and the capacity of the system to accommodate the proposed subdivision or land development.

(g) Where a central community water system is proposed, the report shall provide evidence that the system will have an adequate supply of potable water for domestic or other proposed use and that each unit or building will have adequate supply for the purpose of fire protection.

C. Hydrogeologic/sewer facilities study.

(1) A hydrogeologic/sewer facilities study, describing the availability and/or adaptability of sewer facilities in or near a proposed subdivision or land development, shall be prepared and submitted to the Township.

(2) The hydrogeologic/sewer facilities study shall be prepared by a registered professional engineer or licensed geologist experienced in the field and procedures involved. The report shall be submitted in conjunction with the preliminary and final plans for review by the Township Engineer.

(3) The hydrogeologic/sewer facilities study shall be prepared as a written report and shall include the following basic data in textual and tabular form:

   (a) A project narrative describing the overall project and the proposed method of sewage disposal for each lot.
(b) A narrative describing and focusing on the development site and an area of one-fourth-mile buffer surrounding the site.

(c) The study shall describe the distance from the nearest public sewer system and the capacity of the system to accommodate the proposed subdivision or land development. The feasibility of utilizing said systems for sewage disposal shall be included where on-site sewage facilities are proposed.

(d) Soil test results, certified as accurate by the Township Sewage Enforcement Officer, to assess the ability of the soil to absorb waste from any proposed subsurface sewage disposal facilities. Primary and alternate absorption areas must be identified and tested.

(e) Calculations and a narrative describing how the proposed on-site sewage facilities will adequately and properly dispose of the anticipated quantities of waste. Standards for installation of on-site sewage disposal systems shall be as required by DEP at the time of construction.

D. Stormwater. A drainage plan shall be prepared in accordance with the Upper Allen Township Stormwater Management Ordinance.\textsuperscript{13}

E. Steep slope. A steep slope report for all applications involving construction on lands that possess slopes exceeding 15\%. The steep slope report shall include the following:

(1) A topographic map of the site which highlights those areas that possess slopes exceeding 15\%. Also reflected on his map shall be all existing and proposed site alterations and improvements (e.g. buildings, streets, access drives, driveways, parking compounds, utilities, etc.) that are located within the steep slope area.

(2) In those instances where construction and/or modifications is proposed to the existing topography and vegetative cover within areas of 15\% or greater slope, the applicant shall provide a detailed description of the methods that are being used to:

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

(b) Accommodate stormwater runoff;

(c) Assure structural safety and minimize harm to the environment associated with construction on steep slopes;

(d) Protection and preservation of on-site and off-site valuable natural wildlife, plant habitats and water quality;

\textsuperscript{13} Editor’s Note. See Ch. 214, Stormwater Management.
(e) Protection of steep slopes on adjoining properties; and,

(f) Assure adequate foundations for buildings and/or other structures.

(3) In those instances where construction and/or modifications to the existing topography and vegetative cover in areas of 18% or greater slopes, the applicant shall provide a soils engineering report. A soils engineering report shall be prepared by a registered professional engineer or licensed geologist with expertise in soil, geology and construction. The report shall include:

(a) The nature, types, distribution and stability of the surface and subsurface soils for load bearing, stability and compaction;

(b) Extent, description and location of exposed rock and bedrock;

(c) Erodibility of surface soil; and,

(d) Depth to seasonal high water table.

F. Traffic impact reports.

(1) A traffic control report shall be submitted for all development which propose new public or private streets, changes in traffic patterns, public transit, or bicycle lanes or any combination thereof. The report shall include what traffic control devices are warranted for any streets, lanes and intersections, and other improvements as may be warranted by the Engineer and Board of Commissioners.

(2) A traffic impact report shall be submitted for all subdivisions and/or land developments which meet the following criteria:

(a) Traffic impact reports shall be provided in accordance with the requirements in this Section, whether proposed initially or cumulatively for all residential subdivisions and/or land developments containing twenty (20) or more lots or dwelling units, all non-residential land developments with total building(s) in excess of 10,000 square feet gross floor area or Average Daily Traffic volume of 250 trips, or any mixed-use development.

(b) The Township Zoning Officer or Township Engineer or its designee, the Planning Commission or the Board of Commissioners determines there are existing traffic problems in an area or that the existing transportation network may be inadequate to handle the volume or character of traffic likely to result from the proposed land development.
(c) The study shall assess the impacts to adjacent roadways and identify improvements that may be required to maintain a level of service (LOS) rating of “D” on the affected roadway network. Where the affected roadway network is determined to have a LOS rating of “E” or “F”, the study shall identify specific improvements that would restore a LOS rating of “D” or better. For commercial and industrial developments, the traffic impact shall include analysis of access drives interior to the site.

(3) When establishing the study area boundaries, sufficient area shall be included to ensure that key corridors that afford access to the site and critical intersections that may be affected by the site-generated traffic are taken into account. The exact limits of the study area shall be based on engineering judgment and an understanding of existing traffic conditions and existing multimodal conditions at and in the vicinity of the proposed site. In all instances, however, the study limits must be mutually agreed upon by the applicant and the Township prior to the preparation of the traffic impact study.

(a) All existing and proposed site uses. The existing and proposed uses of the site shall be identified in terms of the various zoning categories in the jurisdiction. In addition, the specific use on which the request is made shall be identified. In the case where a current land use is being upgraded or modified, a description of the proposed improvements with respect to density changes shall be included. Such a density change may necessitate replacing existing traffic volumes generated by the current land use with increased volumes resulting from a change in land use and density.

(b) Existing and proposed nearby uses. A complete description of the existing land uses in the vicinity of the site, as well as their current zoning shall be included. The proposed uses for adjacent land in terms of zoning categories shall be included. This latter item is especially important where large tracts of undeveloped land are in the vicinity of the site and within the defined study area.

(c) Existing and proposed roadways, intersections, transit, trails and paths.

[1] The study area shall describe existing roadways and intersections within the study area with respect to geometrics and traffic signal control as well as any planned and committed roadway and traffic operational improvements by government agencies. In addition to critical intersections, high volume driveways adjacent to or across from the site shall be identified.

[2] An analysis of existing and future projected traffic conditions shall be prepared so that the impacts of the proposed development can be determined. Future traffic projections should consider a ten-year growth period beyond the construction of the proposed development.
The section shall describe the results of the volume studies and capacity analysis to be completed for the roadways, intersections and driveways in the vicinity of the site under existing and future conditions as well as any data collection efforts that are required. The source and/or method of computation for all traffic volumes and capacity analysis shall be included. Traffic studies are to comply with PennDOT Publications 201 and 282, as amended, and the Institute of Transportation Engineers Guidelines. Where discrepancies between reference documents exist, the more restrictive standards shall apply.

[3] The study shall also address site circulation of pedestrians, bicyclists, public transit, and vehicles; identify impacts of the development-generated traffic onto the existing multimodal network; and provide appropriate mitigation for safe and efficient movement of pedestrians, bicyclists, transit and vehicles.

[4] The study shall include an executive summary. The summary shall be a clear, concise description of the study findings, recommendation and, where applicable, proposed improvements and who will pay for said improvements.

(4) Waiver of requirements. At the request of the applicant, the Board of Commissioners may approve a waiver of the traffic impact report and accept either a specific capacity improvement or contribution to the Township of a fee in lieu of a specific capacity improvement to be made at a future date.

G. Park and recreation.

(1) A park and recreation report for residential developments of 25 or more units. This report shall be prepared by a registered landscape architect (RLA), with the following minimum considerations:

(a) A description of the total projected number of residents in their respective age groups.

(b) A description of those existing public recreation facilities to include, but not limited to, parks, trails and bicycle lanes, located within a one-half-mile radius of the site.

(c) A description of the adequacy of existing recreation facilities to serve the proposed residents, taking into consideration current usage.

(d) A discussion of potential for any recreation facilities to be provided by the developer to accommodate new residents and/or compensate for any anticipated deficiencies of the Township’s recreational facilities.
(e) A description of any recreation facilities to be provided by the developer.

(f) A discussion on the relationship of the proposal to other parks and recreation facilities located within the Township.

(g) A description of the responsibility for maintenance of any recreational facilities to be provided by the developer.

(h) A description of accessibility of the proposed facilities to general Township residents.

(i) Source of standards used in the data presented.

(2) The park and recreation report will be transmitted to the Township Planning Commission for review.

H. Historical features.

(1) A historic features narrative shall be required for all applications involving structures or lands that are listed on the National Register of Historic Places; have received a determination of eligibility from the National Register from the National Park Service; or are identified by the Pennsylvania Historical Museum Commission (PHMC).

(2) The development shall be designed to preserve, adaptively reuse, or otherwise provide for the historic features. Modifications and exterior alterations to historic features or sites, or new construction adjacent to historic features, shall be consistent with the Secretary of the Interior’s Standards for Rehabilitation of Historic Properties, as published by the National Park Service.

(3) Subdivisions and land developments shall also be designed so that new structures do not block historic views, or obstruct the view of historic properties, and new construction shall be consistent with the Secretary of the Interior’s Guidelines. If, because of size, construction material or type of use, a proposed land development or subdivision would jeopardize the historic value of a site or structure, the Board of Commissioners may require that such new construction be screened or otherwise visually buffered. The Board of Commissioners may also require that mitigation measures recommended by the PHMC be incorporated into the proposed development to preserve the value of the historic site or structure.

I. Important natural habitats. All applications for lands that possess an important natural habitat, as defined herein, shall plot the location or report the presence of the natural resources. Important natural habitat is defined as follows:

(1) Wetlands, as defined by criteria of the U.S. Army Corps of Engineers;
(2) Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant and animal species and communities that are listed as “Pennsylvania Threatened” or “Pennsylvania Endangered”; or,

(3) PNDI confirmed extant plant and animal species and communities that have a state rank of S1 or S2, which are defined as follows:

S1, CRITICALLY IMPERILED – Critically imperiled in the state because of extreme rarity or because of some factor(s) making it especially vulnerable to extirpation from the state; typically, five or fewer occurrences or very few remaining individuals or acres.

S2, IMPERILED – Imperiled in the state because of rarity or because of some factor(s) making it very vulnerable to extirpation from the state; typically, six to 20 occurrences or fewer remaining individuals or acres.


The following forms and space for the proper signatures shall be used or placed on the final plans, unless otherwise determined by the Township.

A. Lot Add-on Plans. Each final Lot Add-on plan submitted for approval shall carry a certification of approval in substantially the following form:

Approved by the Planning Commission of Upper Allen Township, this _________ day of ______________, 20__.  

(Seal)

ATTEST: ________________________  ________________________

Secretary    Chairman

B. Each final plan submitted for approval shall carry a certification of approval in substantially the following form:

Conditionally approved by the Board of Commissioners of Upper Allen Township, this ________ day of ____________, 20__. The conditions of approval were satisfied this ________ day of ____________, 20__.  

(Seal)

ATTEST: ________________________  ________________________

Secretary    President
C. Each final plan submitted for approval shall carry a certification of approval for the Cumberland County Planning Department in substantially the following form, unless otherwise required by the Cumberland County Planning Commission:

Reviewed by the Cumberland County Planning Department, this _______ day of ___________, 20__.

ATTEST: ________________________

Director of Planning

D. Each final plan submitted for approval shall carry a certificate, signed by a surveyor, in substantially the following form:

I, ____________, hereby certify that I am a registered Land Surveyor, or registered Engineer in compliance with the laws of the Commonwealth of Pennsylvania; that this plan correctly represents a survey completed by me on ______________; that all the monuments shown thereon actually exist; and that their location, size, type and material are accurately shown.

(Seal) ________________________

E. When required by the Township, a certificate must also be included attesting to maintaining private roads; indemnification of the Township; and others as required by the Township.

F. Each final plan submitted for approval shall carry a deed of dedication in substantially the following form:
We, __________________, the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and hereby lay off, plan and subdivide, said real estate in accordance with the within plan.

The subdivision shall be known and designated as ________________, an addition to ________________. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public.

Building setback lines are hereby established as shown on this plan, between which lines and the property lines of the street there shall be erected or maintained no building or structure.

There are strips of ground _____ feet in width as shown on this plan and marked: “Easement, reserved for the use of public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, subject at all times to the proper authorities and to the easement herein reserved.” No buildings or other structures are to be erected or maintained upon said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the utilities.

(Additional dedications and protective covenants or private restrictions would be inserted here upon the subdivider’s initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area). The final plan shall specify where each of these additional dedications and protective covenants has been recorded.

The foregoing covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20__ (a twenty-five year period is suggested), at which time said covenants (or restrictions) shall be automatically extended for successive periods of 10 years and shall remain in full force and effect unless changed at the end of such period of 10 years by vote of a majority of the then owners of the building sites covered by these covenants (or restrictions).

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

Witness our Hands and Seals this _____ day of ________________, 20__.

FOR CORPORATIONS

Commonwealth of Pennsylvania:

: SS

County of Cumberland:
On this, the _____ day of ____________, 20__ before me, ____________, the undersigned officer, personally appeared _________________________ who acknowledged himself to be the President or Vice President of ____________________ a corporation, and that he, as such President or Vice President, being authorized to do so, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation by himself as President or Vice President.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_______________________________________
Notary Public

My Commission expires: _____________________

FOR OTHER THAN CORPORATIONS:

Commonwealth of Pennsylvania:

: SS

County of Cumberland:

On this, the _____ day of ____________, 20__ before me, ____________, the undersigned officer, personally came ___________________________, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that ______________ executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_______________________________________
Notary Public

My Commission expires: _____________________
ARTICLE IV
Improvement Construction Assurances


All improvements required by this chapter which are subject to public use shall be installed in accordance with the design standards of this chapter.\textsuperscript{14}

§ 220-4.2. Performance requirements.

No final plan shall be approved by the Board of Commissioners unless the installation of monuments and markers, streets, roadways, walkways, sidewalks, curbs, gutters, streetlights, fire hydrants, water mains, sanitary sewers, storm drains, stormwater detention basins, stormwater retention basins, or related drainage facilities, recreational facilities, open space improvements, landscaping and buffer yards, or other improvements required by this chapter, any other ordinance of the Township, or as specified by the Board, has been guaranteed in writing by the developer with financial security as hereinafter provided.

A. Upon making application for approval of a preliminary subdivision or land development plan, the developer shall notify the Township in writing that the developer elects, subject to approval by the Board of Commissioners, which will not be unreasonably withheld, one of the following:

(1) Guarantee of future performance. To file with the Township a written guarantee with financial security as hereinafter provided assuring the installation and completion of all improvements required or specified on or for the approved plan in a manner satisfactory to the Board of Commissioners. Such written guarantee shall be secured to the Township by one of the following forms of financial security in an amount equal to 110% of the cost of the required improvements. Cost shall be determined in accordance with the PA Municipalities Planning Code.

(a) Surety bond. The developer shall obtain and file with the Township a corporate surety bond from a bonding company authorized to do business in Pennsylvania payable to the Township, conditioned upon the developer installing and completing all required improvements.

(b) Escrow account. The developer shall deposit with the Township or with a federal or commonwealth-chartered banking institution authorized to do business in Pennsylvania cash or acceptable obligation instruments readily convertible into cash at face value to be held in escrow conditioned upon the developer installing and completing all required improvements. The Township, the developer and the escrow agent, if any, shall enter into a written agreement restricting and conditioning the escrow account in such a manner as the

\textsuperscript{14} Editor's Note: See Article V, Design Standards.
Township shall reasonably require to secure the installation and completion of improvements.

(c) Letter of credit. The developer shall provide and deposit with the Township an irrevocable letter of credit from a federal or commonwealth-chartered lending institution authorized to do business in Pennsylvania payable to the Township, condition upon the developer installing and completing all required improvements.

(2) Long-term projects.

   (a) In the event that a developer providing financial security for the installation and completion of required improvements requires more than one year to complete the same, the Board of Commissioners may, in its discretion, require that the financial security be increased by an additional 10% for each one-year period beyond the first anniversary date from the posting of security. This amount shall not exceed 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period.

   (b) In the event that a developer, through lack of diligence or good faith, shall have failed to complete required improvements within a one-year period, the Board of Commissioners may, in its discretion, permit the continuation of the original financial security in an amount not exceeding 110% of the cost of completing the required improvements remaining uninstalled on or about the expiration of the initial one-year period.

   (c) Where a subdivision or land development is of such size as to justify the development of the same over a period of years, nothing contained in this section shall, after approval of a preliminary plan for the entire development, preclude or prevent the developer from installing and completing required improvements in sections or stages with financial security posted therefor.

B. Release or reduction of financial security. When the developer has completed all of the required improvements and desires a release of the financial security, or has completed a part of the required improvements and desires a partial release, written notice of the requested release shall be filed with the Township Secretary or their designee, in accordance with the Pennsylvania Municipalities Planning Code.

C. Dedication and maintenance.

   (1) Completion of improvements. The Board of Commissioners may consider dedication of a roadway and its associated infrastructure after 90% of the lots or units abutting the roadway have been constructed. Partial roadways within the same block or loop may
not be offered for dedication until such time as the entire roadway and its associated improvements is completed.

(2) Dedication. Upon the installation and completion of all required improvements and upon submittal of as-built plans, electronic drawing files, and plats and legal descriptions for all improvements, in a manner satisfactory to the Township evidenced by the Township’s approval in writing or by inaction of the Board of Commissioners upon the developer’s request for release of financial security, the developer shall make a written offer of dedication to the Township of all improvements intended for public use. The Board of Commissioners shall thereupon accept all or such portions of the improvements offered for dedication as the Board shall determine, provided the developer shall have filed with the Township financial security for the maintenance of the accepted improvements, as hereinafter set forth.

(3) As-built plans. The subdivider or developer shall furnish the Township with a minimum of three paper copies, a digital copy (PDF format is preferred), and electronic data files of all drawings showing the water system, sanitary sewer system, storm sewer system, roadway network, and other associated infrastructure, modified as necessary to show the facilities as constructed. Reproducible Mylars may be requested by the Township at any time. All drawings must be 24 inches by 36 inches and must be signed and sealed by a professional engineer or professional land surveyor attesting to the correctness of the facility information shown. Where necessary, the developer must conduct field surveys to accurately locate facilities as constructed. Electronic data files shall be in a format of a .dwg file with a spatial projection of PA State Plane projections, PA South Zone (3702), MAD83 horizontal datum, NAVD88 vertical datum, unless otherwise designated by the Township at the time that as-built drawings are prepared. The Township intends to use prints of the Mylar drawings to provide information to designers and contractors, as required by the Commonwealth of Pennsylvania Act 287, as amended, and to maintain municipal records. The developer shall be responsible for bearing all costs associated with filing as-built record data, data conversion, and data storage into the Township’s record system. Fees shall be paid in accordance with Article VII of this chapter.

(4) Financial security for maintenance. Before the Board of Commissioners shall accept an offer of dedication for all or any portion of the public improvements installed and completed by the developer, the Board shall require the developer to file with the Township a written guarantee of the structural integrity of the offered improvements and the functioning of the same in accordance with the design and specifications of the approved plan for a period of 18 months, such written guarantee shall be secured to the Township by one of the forms of financial security specified in § 220-4.2.A.(1) of this chapter in an amount not exceeding 15% of the actual cost of the dedicated improvements.

D. Public utilities, municipal authorities and homeowners’ associations. Where water mains and/or sanitary sewers and such apparatus and facilities as relate thereto are to be installed and
completed by the developer as a requirement of an approved plan, such improvements shall be installed under the jurisdiction and pursuant to the rules and regulations of the public utility, municipal authority or homeowners’ association to which such improvements are intended to be assigned or dedicated, and the financial security therefor shall be filed in accordance with the rules and regulations of the controlling public utility, municipal authority or homeowners’ association, and no financial security therefor shall be required by the Township as provided in this chapter.

E. Building permits. Where a developer has filed financial security as provided in the foregoing § 220-4.2.A. of this chapter, the issuance of building, zoning, grading, occupancy or other permits for or within the development shall not be withheld or conditioned upon the installation of the required improvements; provided, however, that occupancy permits for any buildings erected may be withheld until the improvements of the streets providing access to and from existing public streets and such buildings shall be mud-free or otherwise in a permanently passable condition and all other required improvements necessary for reasonable use or occupancy of such buildings have been installed. Roads must be maintained by the developer prior to dedication and before issuance of building or occupancy permits.

F. Default by developer.

   (1) In the event that a developer shall default on an agreement guaranteeing the installation and completion of any required improvements or shall default on an agreement guaranteeing the maintenance of any such improvements after acceptance of dedication by the Township, the Township shall cause any required improvements to be installed and completed, or maintenance performed, and enforce against the financial security recovery of the cost of the same by any appropriate legal or equitable remedy.

   (2) Where the financial security shall be a corporate surety bond, reasonable opportunity shall be given the surety company to install and complete the required improvements or perform any required maintenance, but absent such performance by the surety company, the Township shall by its own personnel and equipment or by contract with a responsible contractor install and complete the improvements or perform the maintenance and collect all necessary cost thereof from the surety company.

   (3) Where the financial security shall be an escrow account or a letter of credit, the Township shall by its own personnel and equipment or by contract with a responsible contractor install and complete the improvements or perform the maintenance and collect all cost thereof from the escrow account or by presentation of the letter of credit.
ARTICLE V
Design Standards

§ 220-5.1. General.
A. The standards and requirements contained in this article are intended as a minimum for the promotion of the public health, safety and general welfare and shall be applied as minimum design standards for subdivisions and/or land developments. Land subject to hazards of life, health or property, such as may arise from fire, flood, diseases or other causes, shall not be subdivided for building purposes unless the hazards have been eliminated or unless the plans show adequate safeguard against them. Land included as having unsuitable characteristics for development would be the following:

(1) Land subject to flooding which has a seasonal high groundwater table which will interfere with the construction of basements or habitable areas below grade.

(2) Land which, if developed, will create or aggravate a flooding condition upon other land.

(3) Land subject to subsidence.

(4) Land subject to underground fires.

(5) Land containing significant areas of slopes greater than 25%.

(6) Land which, because of topography or means of access, is considered hazardous by the Board of Commissioners.

(7) Land which is subject to ground pollution or contamination.

(8) Land which is defined as wetland area.

B. All improvements shall be in conformance with Township's Standard Construction and Material Specifications Manual, latest edition, and engineering standards and specifications, as contained herein. Wherever and whenever the requirements of this chapter are at variance with the requirements of any lawfully adopted laws, rules, regulations, standards, or ordinances, the most restrictive or that imposing the higher standards shall govern.

§ 220-5.2. Streets and roadways.
A. Design standards. The general arrangement, character, extend and location of all streets proposed shall conform to the Township’s Comprehensive Plan and shall be considered in their relation to existing or proposed streets, topographical conditions, the public convenience and safety, and in the appropriate relation to the proposed uses of land to be served by such streets. The arrangement, width, grade and other design standards of streets shall conform to the
provisions found herein and with the requirements of the Township’s Standard Construction and Material Specifications Manual, latest edition.

B. Design and arrangement.

(1) In general, all streets shall be continuous and in alignment with the existing streets. All streets shall be designed to comprise a convenient system to ensure that all motorists, bicyclists, pedestrians and transit users of all ages and abilities can safely move along and accords the streets.

(2) Where a subdivision abuts or contains an existing or proposed street, the newly proposed streets shall be planned and designed in order to protect residential areas from heavy traffic and also to provide separation between local and through traffic.

(3) Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.

(4) Half or partial streets shall not be permitted. Wherever a tract to be subdivided borders an existing half or partial street, the remaining portion of the street shall be platted within such tract.

(5) Dead-end streets shall be prohibited except as stubs utilizing temporary cul-de-sacs to permit future street extension into adjoining tracts of ground or when designed as a permanent cul-de-sac of less than or equal to 800 feet in length. Cul-de-sacs shall be a minimum of 250 feet in length, measured from the center line of the intersecting street to the midpoint of the cul-de-sac. Cul-de-sacs shall have a minimum radius of 40 feet to the outside edge of the cartway and 50 feet to the outside edge of the right-of-way and tangent, whenever possible, to the right side of the street. The closed end of all proposed cul-de-sacs must be provided with a twenty-foot by ten-foot easement to be used to stockpile snow for winter road maintenance. Temporary and permanent cul-de-sacs shall not exceed 800 feet in length or serve more than 20 dwelling units.

(6) Cul-de-sac and loop streets shall be prohibited off of cul-de-sac streets within the same subdivision.

(7) Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, water shall be conveyed away from private property via underground storm sewer or by other means approved by the Township. Where drainage is proposed towards the closed end of a cul-de-sac, provisions must be made for the safe conveyance of the one-hundred-year storm flow away from the road and private property. The minimum grade of the stormwater pipe on cul-de-sacs shall be designed to ensure a minimum of 1% and a maximum of 5% along the curbline to the designed low points.
(8) Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper projection of streets. Where a new subdivision adjoins unsubdivided land capable of future subdivision, then the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

(9) The vacation of any street or part of a street dedicated for public use shall not be approved if such vacation interferes with the uniformity of the existing street pattern or any future street plans prepared for the area.

(10) A design speed of 30 miles per hour shall be utilized unless traffic patterns and volumes dictate a variation from said design speed. Said variations shall be as approved by the Board of Commissioners.

(11) If undeveloped property has an alternate means of vehicular access, a single-family lot in an adjoining recorded plan shall not be used as a future right-of-way for a public street, private street or other vehicular access.

(12) Improvement of existing streets and intersections. Where a subdivision or land development abuts an existing Township and/or state street or shall have a traffic impact on an existing Township and/or state street as indicated by a traffic study required to be performed in accordance with this chapter, the developer shall be required to make the following improvements:

(a) In cases where a subdivision or land development abuts an existing Township and/or state street, the street shall be reconstructed to the widths specified in this chapter.

(b) In cases where the development is situated only on one side of an existing street, the Township may require that only that side of the street be reconstructed.

(c) Where the developer of the subdivision or land development is required to provide a traffic study and report and the traffic study and report indicates that improvements are required, the developer shall install the improvements, including but not limited to traffic signals, traffic control devices, additional traffic lanes, traffic dividers, and highway markings.

(d) When the Township determines that the required improvements are not feasible at the time of development of the use, the developer shall deposit funds with the Township in the amount of 110% of the cost of improvements, computed in accordance with Article IV of this chapter. The amount of the deposit shall be submitted for approval by the Township Engineer.

(13) The extension of existing streets which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.
(14) Dedication of additional right-of-way. If a subdivision or land development abuts an existing Township and/or state street which has a right-of-way width of less than the widths as set forth in this chapter, the developer shall dedicate to the Township of commonwealth, as applicable, the amount of land necessary so that the distance from the centerline of the street to the edge of the right-of-way abutting the proposed development is 1/2 the ultimate right-of-way width set forth in this chapter. Additional right-of-way dedicated to the Township shall be used to improve safety, drainage and future maintenance of Township roads.

(15) When the proposed development requires construction within an existing street right-of-way, such as a sewer, water, or stormwater lines, the Township may require construction of a new full-width wearing course along the entire frontage and/or disturbed area.

(16) If lots resulting from original subdivision are large enough to permit resubdivision or if a portion of the tract is not subdivided, adequate rights-of-way for streets and other required improvements shall be provided as necessary to permit further subdivision.

(17) A loop street shall not exceed an average daily traffic volume (ADT) of 300 trips per day.

C. Street grades.

(1) The minimum grade on all streets shall be 1%. The maximum grade exceeding on arterial and collector streets shall be 6%, and on local streets, 10%.

(2) The through street at intersections shall be approached by side streets in accordance with the following standards: where the grade of a side street exceeds 5%, there shall be a leveling area on the side street with a minimum length of 100 feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of 4%.

D. Vertical and horizontal curve design.

(1) Horizontal curves.

(a) Horizontal curves shall be used at all horizontal alignment deflections in excess of 2°.

(b) The minimum radius at the center line for the horizontal curves on arterial streets shall be 600 feet; for collector street, 300 feet; and for local streets, 150 feet. Proper superelevation shall be provided for curves on arterial streets.
(c) There shall be a tangent of at least 100 feet between reverse curves for all collector and arterial streets.

(d) Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, 400 feet for arterial streets, 275 feet for collector streets, and 200 feet for local streets.

(2) Vertical curves.

(a) Vertical curves shall be used in changes of grade exceeding 1%.

(b) The length of the vertical curve shall be based on the formula \( L = KA \); where “\( L \)” is the minimum length of curve in feet, “\( K \)” is the length of vertical curve per percent change in “\( A \)”, and “\( A \)” is the algebraic difference in grade (in percent). Values for “\( K \)” shall be based on the following criteria:

<table>
<thead>
<tr>
<th>Design Speed (in miles per hour)</th>
<th>“K” Crest Vertical Curves</th>
<th>“K” Sag Vertical Curves</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>25</td>
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<td>50</td>
<td>150</td>
<td>110</td>
</tr>
<tr>
<td>55</td>
<td>220</td>
<td>130</td>
</tr>
</tbody>
</table>

(c) Notwithstanding the length of vertical curve calculated using the above formula, the minimum length of vertical curve shall be 100 feet.

E. Intersections.

(1) Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than 75°. Intersections of more than two streets shall be prohibited. Streets entering opposite sides of another street shall be laid out directly opposite one another.

(2) No more than two streets shall intersect at the same point.

(3) Street center line intersections shall be offset by a minimum of 200 feet.

(4) Intersections with collector streets entering into arterial streets shall not be located less than 1,000 feet apart on the same or opposite side of the arterial street, measured center line to center line of the collector streets.
(5) Intersections on collector streets shall not be located less than 800 feet apart on the same or opposite side of the street as measured from center line to center line of the intersecting streets.

(6) A 75 foot clear sight triangle (150 feet for collector and arterial streets) shall be provided and maintained at all street intersections. The triangle shall be provided and maintained at all street intersections. No building, planting or other obstruction above the height of three feet and below 10 feet in height that would obscure the vision of the motorists shall be permitted within the area. The height shall be measured from the center line grade of the intersecting streets. This requirement shall not apply to traffic signals, traffic signs, street name signs, public utility poles and similar-type structures.

(7) The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius of 35 feet for local streets and 50 feet for intersections involving collector or arterial streets. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway.

(8) At least two street name signs shall be placed at each four-way street intersection, and one street name sign shall be placed at each “T” intersection. Signs shall be installed in a location and manner where they will be clearly visible at all hours. The design of street name signs shall be approved by the Board of Commissioners.

(9) All streets intersecting a state highway shall be subject to the approval of the Pennsylvania Department of Transportation.

(10) Clear sight distances. In addition to the other requirements of this article, there shall be required unobstructed clear sight distance at all intersections as specified below.

(a) Required clear sight distances shall be at least as large as the minimum safe stopping sight distance (SSSD).

\[ \text{SSSD} = 1.47 \ V \ t + V^2/30 \ (f+G) \]

WHERE:

- \( \text{SSSD} \) = Minimum safe stopping sight distance (feet)
- \( V \) = Speed of vehicle in miles per hour
- \( t \) = 2.5 seconds (perception/response time of driver)
- \( f \) = 0.3 (wet pavement friction)
- \( G \) = Roadway grade in percent divided by 100 (positive for upgrade, negative for downgrade)

(b) Required sight distances shall be measured between a driver approaching along the through street from either allowed direction and:

[1] A driver awaiting egress onto a through street and whose eyes are 10 feet back from the nearest cartway edge of the through street.
[2] A driver stopped at a reasonable location on the through street waiting to make a left turn into the cross street.

[3] A driver having just completed a left or right turn from the stop street onto the through street.

[4] For purposes of measuring clear sight triangles, the height of the driver’s eye and the observed vehicle (or object) shall be assumed to be 3.5 feet above their respective road surfaces.

(c) Inadequate sight distance remedies. If it is impossible to achieve required clear sight distance in both directions, the Township may:

[1] Prohibit left turns by entering or exiting vehicles;

[2] Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the applicant;

[3] Require removal of physical obstruction from the line of sight, at the expense of the applicant;

[4] Require installation of a separate left turn standby lane; or


F. Street width and types.

(1) Functional classifications are hereby established for the streets and roads in the Township of Upper Allen and are defined in Article II.

(2) Minimum street right-of-way and cartway widths shall be in accordance with Table V-1 below:

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Right-of-Way</th>
<th>*Shoulders</th>
<th>Cartway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arterials</td>
<td>As determined by the Commission after consultation with Board of Commissioners, Township Engineer and the Pennsylvania Department of Transportation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collectors</td>
<td>60 feet</td>
<td>*16 feet (8 feet per side)</td>
<td>*24 feet (with shoulders)</td>
</tr>
</tbody>
</table>
Local (public and private) 50 feet *10 feet *24 feet (5 feet per side) (shoulders)

Turn around or cul-de-sac (residential) 100 feet diameter ---- 80 feet diameter (to the edge of the pavement or face of curb)

Turn around or cul-de-sac (industrial) As determined by the Commission after consultation with Board of Commissioners, Township Engineer and the Pennsylvania Department of Transportation.

NOTE:
* Width provisions for shoulders shall only apply where curbs are not required by § 220-5.3.A of this chapter or where the Board of Commissioners elects to waive requirements for curb.

** Various cartway widths may be considered by the Board of Commissioners depending on site condition and other considerations. Construction standards shall comply with the design requirements in the Township’s Standard Construction and Material Specifications Manual, latest edition.

G. Minimum required street improvements.

(1) Standards. The gradations and consistency of all materials and the methods of construction, unless otherwise authorized herein, shall be in accordance with current standards of the Township’s Standard Construction and Material Specifications Manual, latest edition.

(2) Notice. No road construction activity shall be permitted in the Township of Upper Allen until and unless the contractor shall notify the Township at least one week in advance to commencing the work. The contractor shall at all times during the progress of the work have a competent superintendent or foreman on the job site. Inspection of the road work shall be done by the Township or its designee.

(3) Grading and utilities.
(a) The entire right-of-way for each street in a proposed subdivision shall be graded and suitably prepared for installation of drainage structures, curbs, gutters and sidewalks in accordance with the appropriate standards for the class of street.

(b) Roadway subgrade shall be free of sod, vegetative matter, boulders, spongy soil or other unsuitable material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. Subgrade preparation and construction shall conform to standards in the Township’s Standard Construction and Material Specifications Manual, latest edition.

(c) All utilities, under drains, sewer lines, including laterals and service lines, being placed in the roadway shall be installed prior to the commencement of road construction at the following minimum depths:


[5] Telephone, electrical and television cable: two feet, not to be located within the paved cartway.

[6] Sewer and water lines shall have a minimum separation distance of 10 feet or be located on opposite sides of the street or roadway.

[7] PA DEP and private utility regulations and procedures will prevail where applicable.

(d) All backfill for utilities under new or existing roadways shall be in accordance with the Township’s Standard Construction and Material Specifications Manual, latest edition. The Township may require flowable fill or other alternate backfill material where conditions may warrant such measures.

(4) Preparation of road subgrade.


(5) Preparation of road base.

(b) Pipe underdrain shall be provided in wet areas, in areas of roadway sag conditions, or any other areas as required by the Township Engineer.


(a) Subject to said inspection, the wearing course shall be placed no later than the time when 90% of the lots have been issued a certificate of occupancy by the Township.

H. All roadways and streets constructed in the Township of Upper Allen shall provide for the proper flow of stormwater and natural water in the areas of new streets and roads and shall conform to the Upper Allen Township Stormwater Ordinance, as amended.

I. Shoulders/improved berms.

(1) Where curbs are not required, each street or road shall have shoulders and/or berms beyond the edges of the travel lanes.

(2) Shoulders along the edge of travel lanes shall be improved with full depth road base and road surface materials. Improved berms shall extend beyond the edge of the cartway.

(3) Any berms or embankments beyond the curb or shoulder edge shall be graded in accordance with the standards established in the Township’s Standard Construction and Material Specifications Manual, latest edition.


(1) The inlet grades and frames shall conform to the standards in the Township’s Standard Construction and Material Specifications Manual and Pennsylvania Department of Transportation’s Design Standards for Road Construction, latest addition. The type of inlet grates and frames used shall be suitable for the particular construction situation. Lightweight frames shall not be used. Bicycle-safe grates shall be used in all areas likely to receive pedestrian traffic. A detailed drawing of the inlets shall be included on the preliminary and final subdivision or land development plans.

K. Bridges and culverts.

(1) All bridges or similar structures to be constructed on any Township roads or any road which is to be dedicated to the Township for acceptance must be designed in accordance with the requirements of the Pennsylvania Department of Transportation’s
Design Manual and Part 4, as amended, entitled “Structures”, as well as the requirements of the American Association of State and Highway Transportation Officials (AASHTO) “Standard Specifications for Highway Bridges.”

(2) Plans and design calculations meeting the foregoing requirements shall be submitted for review and approval by the Township Engineer.

(3) All materials and workmanship for construction must be in compliance with the Township’s Standard Construction and Material Specifications Manual and the Pennsylvania Department of Transportation Specifications Publication 408, latest edition.


M. Bicycle Infrastructure.

(1) Separate bicycle paths, lanes or tracts and associated facilities shall be required when such infrastructure is specified as part of a recommendation in the applicant’s park and recreation report, or are part of the Township’s Comprehensive Plan, Trail Plan, Recreation Report/Plan, or other regional transportation or park and recreation report/plan.

(2) Bicycle paths shall be a minimum width of eight feet and preferably located outside of the public right-of-way, unless otherwise determined by the Board of Commissioners. Surface materials shall be either bituminous mixes, concrete, or an equivalent stabilized material, to be approved by the Board of Commissioners. Gradients of bicycle paths shall not exceed 8%, except for short distances.

(3) Bicycle paths placed outside of the public right-of-way shall be encompassed within a minimum 10-foot-wide pedestrian access easement. The easement shall be identified on all plans and/or on a recorded easement agreement in the office of the Recorder of Deeds of Cumberland County. The agreement shall indicate the party responsible for such maintenance of the path.

(4) Bicycle lanes, when necessary to be located along a public right-of-way, shall be a minimum of four feet wide and placed in the outside lane adjacent to the curb or shoulder. For roadways with on-street parking, the bicycle lane shall be placed between the parking lane and the outer lane for vehicular travel. All lanes shall be delineated with markings such as striping, full pavement coloring, recessed reflectors, pavement markers, etc.

N. Improvement plan.
(1) Construction and paving plans. The paving width, curbing requirements, grades (existing and proposed), sight distance for the individual lots and type of paving shall be established by and noted on detailed plans and profiles submitted to the Board of Commissioners.

(2) Drainage plans. Detailed plans of the existing and proposed drainage facilities of said street or road and contiguous territory shall be submitted to the Planning Commission prior to the Board of Commissioners for its approval. Said plans must cover a scope large enough to show the effect of the facility or facilities on any land or stream above and any land or stream below. This scope shall be determined by the Board of Commissioners and/or the Township Engineer and must be set forth on a separate plan.

(3) Certification of plans. All plans, profiles or drawings required under the provisions of this chapter shall include a certification by a Pennsylvania-registered professional engineer attesting that all elements of the plan are in conformity with Township Code and any applicable state regulations.

(4) Number of plans. Plans and profiles for streets, roadways, drainage or other items required under the terms of this chapter must be submitted to the Township on drawings not to exceed 24 inches by 36 inches. Match sheets may be used where necessary.

(5) As-built drawings. Within 30 calendar days of the completion of the street, roadway and/or drainage system, the Upper Allen Township and its Engineer shall each be supplied with one detailed drawing of said streets, roadways and/or drainage systems as the same have been completed. Said drawings must include a certification by the Pennsylvania-registered professional engineer that all elements of the approved plan have been constructed as designed and improved.

O. Inspection fees. Inspection shall be required for all phases of road construction work: subgrading, stormwater inlets, manhole and piping installation, base installation, binder placement and finish course applications. The contractor and/or builder, prior to any approval by the Board of Commissioners, must pay an inspection fee in an amount not less than the actual cost of the inspection.

§ 220-5.3. Curbs, sidewalks and vehicular parking spaces.

A. Curbs.

(1) Curbs shall be required along all proposed streets in subdivisions; along all proposed streets, access drives, alleys, parking compounds and along building fronts in land developments. The developer shall submit the location and grade of proposed curbs to the Township for review.

(2) Curbs shall be provided along all existing Township and/or state roads that adjoin any portion of any subdivision and/or land development. Lot add-on subdivision plans, as
set forth in § 220-3.1.A.(1) of this chapter, shall be exempt from this section if no curbs exist adjacent to the lots to be subdivided or are not logical extensions of or links to other existing or proposed curbs.

(3) Curbs shall be installed to the dimensions and construction standards of the Township’s Standard Construction and Material Specifications Manual, latest edition.

(4) Curb depression for driveways, handicap ramps or drainage shall not be saw cut after the curb has been installed but shall be formed and poured as depressed curb sections. Curb sections installed between sections of existing curb shall be anchored to the existing curb sections with two No. 5 rebar dowels at each end.

B. Sidewalks.

(1) The Township shall require installation of curbs and sidewalks in any subdivision and land development as provided herein. Sidewalks are required to provide access to and/or within a commercial, industrial or community facility. Sidewalks which are provided as part of such nonresidential facilities shall be designed and constructed to service the projected pedestrian needs. All public areas shall be designed barrier free in accordance with applicable federal and state standards, including but not limited to the Rehabilitation Act and Americans with Disabilities Act. Appropriate details shall be provided on the plans.

(2) Sidewalks shall be constructed shall be installed to the dimensions and construction standards of the Township’s Standard Construction and Material Specifications Manual, latest edition. A minimum five-foot-wide grass area shall be provided between the curb and sidewalk.

(3) Sidewalks shall be provided along all existing Township and/or state roads that adjoin any portion of any subdivision and/or land development, except for the following:

(a) Lot add-on subdivisions as set forth in § 220-3.1.A.(1) of this chapter, if no sidewalks or trails exist adjacent to the lots to be subdivided or are not logical extensions of or links to other existing or proposed pedestrian facilities.

(b) Residential single-family detached lots with a required minimum lot frontage of 125 or greater, as set forth in Chapter 245, Zoning.

(c) The subdivision of land into three lots or less, provided sidewalks or trails are not proposed, deferred, planned or existing along adjacent properties.

(d) A planned or existing trail in a greenway area as part of an approved Conservation Design subdivision plan may satisfy this requirement.\[^{15}\]
(4) Sidewalks shall be installed on both sides of all proposed streets in subdivisions and/or land developments, as herein specified.

(5) Sidewalks shall be located within the street right-of-way line and shall be a minimum of either four-feet-wide with a passing space at least every 200 lineal feet, or five-feet-wide with no passing space, as per the requirements of the Rehabilitation Act and Americans with Disabilities Act, latest edition.

(6) Pedestrian easements may be required by the Township to facilitate pedestrian circulation or to give access to community facilities. Pedestrian easements shall be a minimum of 10 feet wide with suitable improvements, in the sole opinion of the Township, to serve their intended purpose.

(7) Sidewalks shall conform to the adjacent earthen areas as to elevations.

(8) Fee in lieu of installation of sidewalks.

(a) The Board of Commissioners may accept an offer by the applicant for a fee in lieu of installation of required sidewalks when it is determined that one or more of the following conditions exist:

[1] Sidewalks are scheduled to be installed as part of a Township, county, or state project that has been funded for construction.


[3] The sidewalks are not logical extensions of or links to other existing, planned or proposed pedestrian facilities.

[4] Where a combination of conditions exists (such as, but not limited to, topography, hazardous conditions, impacts to environmentally sensitive areas, or other conditions warranting same upon the recommendation of the Township Engineer) which make it impractical or not feasible to construct a sidewalk.

[5] The sidewalks are not a proposed feature as depicted in the Township’s Comprehensive Plan or any Official Map as may have been adopted by the Township.

(b) Fees. The fee in lieu of the sidewalks shall not exceed 110% of the current cost of construction for said sidewalks. Construction cost estimates shall be submitted by an engineer and reviewed and approved by the Township.
(c) Payment of fees. The fee paid and contributed to the fund shall be paid upon approval of the subdivision or land development plan or any phase or section thereof. Payment of the required contribution shall be included as a condition of approval of such subdivision and land development plans.

(d) Use of fees. All fees collected by the Township pursuant to these provisions shall be accounted for separately from other monies and placed in an interest-bearing account and shall be accounted for separately from other Township funds. Interest earned on this account shall likewise be the funds of the Township. The Township shall maintain records indicating the source of the funds and the projects where the funds are expended. Such fees shall only be used in the following manner:

[1] For construction or expansion of sidewalks, trails, pedestrian accesses, or other facilities that are available to the public or located in a public right-of-way or easement.

[2] For design, engineering, acquisition of rights-of-way or easements and utility relocation associated with installation of facilities described above.

C. Vehicular parking facilities.

(1) Off-street vehicular parking facilities shall be provided in accordance with the Upper Allen Township Zoning Ordinance, as amended.16 Landscaping islands, as required, shall be in accordance with § 220-5.13.B.(2) of this chapter.

(2) Landscape screening and interior landscaping shall be provided in accordance with the requirements of the Upper Allen Township Zoning Ordinance. Landscape screening and interior landscaping shall not restrict sight distances.

(3) Not less than five-foot radius of curvature shall be permitted for horizontal curves in parking spaces.

(4) All dead-end parking lots shall be designed to provide sufficient back-up areas for all end stalls.

(5) Painted lines, arrows and dividers shall be provided and maintained to control parking when necessary to direct vehicular circulation.

(6) All parking compounds and access drives shall be constructed in accordance with the Township’s Standard Construction and Material Specifications Manual, latest edition.

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16 Editor’s Note: See Ch. 245, Zoning.
§ 220-5.4. Driveways and access drives.

A. Driveways. Driveways shall only be used to provide vehicular access between a parking area for a single residential unit of occupancy or agricultural use and a local street, service or marginal access drive. Driveways shall conform to the Upper Allen Township Zoning Ordinance, as amended, and to the following standards:

1. Only one driveway connection per 100 feet of lot frontage and no more than two driveway connections per lot are permitted.

2. Driveways shall be laid out to intersect as nearly as possible at right angles; in any event no driveway shall intersect another at less than 75°.

3. Driveways on either side of a street shall not connect with a public street within 50 feet of the center line of any intersecting streets nor within 300 feet of the center line of a signalized intersection. Driveways shall not be constructed within five feet of a fire hydrant.

4. Driveways shall be located and constructed so clear sight triangles are provided in accordance with the Upper Allen Township Zoning Ordinance, as amended.

5. Driveway grades shall be in accordance with the Upper Allen Township Zoning Ordinance, as amended. Driveway intersections with streets shall be constructed to allow the flow of stormwater parallel to the street and shall comply with the requirements of the Upper Allen Township Stormwater Management Ordinance, as amended. Driveways shall be designed to intercept runoff, preventing it from entering the road or street. Detailed grading must be provided where driveways cross existing or proposed drainage swales.

6. Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.

7. Driveways which intersect shall provide adequate turnaround within the lot so egress to the street is in a forward direction.

8. All intersections with a state route shall be subject to the approval of the Pennsylvania Department of Transportation. Any driveway intersecting with a state route shall obtain a highway occupancy permit from PennDOT prior to receipt of a building and/or zoning permit, unless otherwise required by § 220-3.6.A.(10) in this chapter.

9. Driveways shall be paved with bituminous concrete or an equivalent stabilized material from the edge of the street right-of-way a minimum distance of 15 feet toward the interior of the lot and be provided in a manner consistent with the design,
construction and stormwater drainage of the street to prohibit runoff onto Township roadways.

(a) Where existing or proposed sidewalks cross a driveway, a concrete apron shall be provided from the edge of the street cartway to the far edge of the sidewalk. Concrete driveway aprons shall have a minimum depth of six inches and be constructed with reinforced wire or fiberglass substitute for strengthening purposes, or as required by the standards set forth in the Township’s Standard Construction and Material Specifications Manual, latest edition.

(b) Driveway pavement materials shall be separated from street pavement with concrete depressed curb, constructed in accordance with the Township’s Standard Construction and Material Specifications Manual, latest edition.

(10) All driveways shall also comply with the sight distance requirements outlined in § 220-5.2.E.(10) of this chapter.

B. Access drives. Access drives are private drives, which provide vehicular movement between a street and a tract of land containing any use other than one single-family dwelling unit or farm. Access drives shall conform to the following:

(1) The vertical alignments of access drives shall conform to the specifications for streets, as stated in § 220-5.2 of this chapter.

(2) The horizontal alignments of access drives shall be measured along the center line. Horizontal curves shall be used at all angle changes in excess of 2°. All curves shall be tangential arcs. The minimum horizontal curve radius shall be 75 feet.

(3) All access drive intersections shall be:

(a) Subject to approval of the Pennsylvania Department of Transportation when intersecting a state route. Copies of the highway occupancy permits from the Pennsylvania Department of Transportation shall be submitted for all proposed intersections with a state route prior to final plan approval and recording of the subdivision and/or land development plan.

(b) Set back 50 feet from the center line of any intersecting streets and 300 feet from the center line of a signalized intersection.

(c) Set back from any side and/or rear property lines per requirements contained in the Upper Allen Township Zoning Ordinance, as amended.
(d) Located in relationship to access drive intersections on adjacent properties to provide safe and efficient movement of vehicles.

(e) Located directly across from any intersecting street, driveway or access drive on the opposite side of the street, where applicable.

(f) Designed with right-angle intersections whenever possible. No access drive intersection shall utilize an angle less than 75°, unless turning movement restrictions are imposed.

(g) Rounded by a tangential arc with a minimum radius of 30 feet. The Township may require a larger radius where large vehicle turning movements are anticipated.

(h) Provided with a clear sight triangle, in accordance with § 220-5.2 of this chapter.

(i) Compliant with the site distance requirements outlined in § 220-5.2.E.(10) of this chapter.

(j) Landscaped with street trees, as required for public streets.

(4) Access drives which form a cul-de-sac shall not exceed 800 feet in length, measured from the center line intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of 100 feet.

(a) The Board of Commissioners, upon the recommendation of the Planning Commission, may permit an alternative turnaround design, including a turnaround incorporated in a parking court or a landscaped island, provided safe movement of traffic is assured.

(5) Access drive grade profiles within 50 feet of the street right-of-way shall conform to standards outlined in PennDOT Publication 44. The grades on access drives shall not exceed eight percent.

(6) When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the plan and properly signed along the cartway.

(7) The cartway of all access drives shall be constructed in accordance with the minor street construction standards set forth in the Township’s Standard Construction and Material Specifications Manual, latest edition.

(8) Table V-2 specifies various access drive width requirements:
Table V-2
Access Drive Width Requirements

<table>
<thead>
<tr>
<th>Function</th>
<th>Required Cartway Width (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Two lanes of traffic with parking on both sides</td>
<td>40</td>
</tr>
<tr>
<td>Two lanes of traffic with parking on one side</td>
<td>36</td>
</tr>
<tr>
<td>Two lanes of traffic without parking</td>
<td>24</td>
</tr>
<tr>
<td>One lane of traffic with one lane of parking*</td>
<td>20</td>
</tr>
<tr>
<td>On lane of traffic without parking*</td>
<td>12</td>
</tr>
</tbody>
</table>

Note:
*The one-way direction of traffic must be identified along the cartway.

(9) The maximum slopes of banks located within 20 feet of the cartway shall not exceed 3:1 for fills and 2:1 for cuts.

C. Recreation or nonlicensed vehicle crossing of streets, alleys, access drives and driveways.
The following standards shall apply for all recreation or nonlicensed vehicle trail crossings (e.g. equestrian, golf carts, off-road vehicles, snowmobiles):

(1) Crossings shall be provided in a manner consistent with the design, construction and stormwater drainage of the street, alley, access drive or driveway.

(2) Crossings shall be easily identifiable.

(3) Crossings shall be perpendicular to the vehicular traffic movements.

(4) No crossing shall be located between 15 feet and 150 feet from the cartway edge of a street, alley, access drive or driveway intersection.

(5) Crossings shall be provided with a clear sight triangle of 75 feet measured along the center line of the street, access drive or driveway and five feet from the edge of the roadway at the center line of the recreation vehicular crossing. No obstructions, grading and/or planting greater than three feet above the cartway grade are permitted in the clear sight triangle. A public right-of-way shall be reserved for the purpose of removing any object, material or other obstruction to the clear sight.

(6) Crossings shall not exceed a slope of 8% within 25 feet of the cartway being crossed.

(7) Crossings shall be signed to warn motorists and pedestrians of the crossing. The surface of the crossing shall be brightly painted with angle stripes.
(8) Crossing of major streets shall consist of a tunnel, bridging or other suitable measures to assure safe crossing.

(9) Crossings shall also comply with the site distance requirements outlined in § 220-5.2.E.(10) of this chapter.

§ 220-5.5. Blocks and lots.

A. General. The configuration of blocks and lots shall be based upon the lot area requirements, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

B. Residential blocks. All blocks in a residential subdivision shall have a maximum length along any side of 1,500 feet and shall be of sufficient depth to permit two tiers of lots, except as otherwise provided for herein.

C. Nonresidential blocks. Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation and salient natural features.

D. Lot configuration.

   (1) Whenever practical, side lot lines shall be radial to street lines.

   (2) Whenever practical, side lot lines shall align when two or more lots share a common rear lot line.

   (3) In order to avoid jurisdictional problems, lot lines shall follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.

   (4) Lot areas that are two or more times the minimum area requirements shall be designed with configurations that allow for additional subdivision. The Township may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.

   (5) All lots shall front on a public or private street. No residential lots shall be created which front upon an interstate highway. Furthermore, no lots in a subdivision and/or land development shall be created which front upon a collector or arterial street. The only exception is reverse frontage lots.

   (6) Double frontage lots are prohibited. A double frontage lot which fronts upon two roughly parallel streets or upon two streets which do not intersect and vehicular access is provided to both streets. The Township permits reverse frontage lots as provided in § 220-5.5.D.(7), below.
(7) Reverse frontage lots front upon two parallel streets or upon two streets which do not intersect, and vehicular access is provided to only one of the streets. All residential reverse frontage lots shall designate one frontage as the rear yard with a minimum depth of 75 feet. Vehicular access shall be prohibited from the rear of reverse frontage lots.

All reverse frontage lots shall include an identification of the frontage for use as a road access. The street designated for frontage must be consistent with contiguous lots. Reverse frontage lots must meet the required lot width along the street of lesser classification.

(8) When a residential subdivision or land development is proposed, a maximum of four proposed lots or dwelling units shall gain access in whole or in part via driveways connecting to existing streets for each parent tract in existence, as of the effective date of this chapter.

(9) Proposed lot lines shall be configured such that when one area of a lot is connected to another area of the lot via a strip of land, the width of said strip of land shall have a minimum width of not less than 75% of the minimum lot width for that zoning district. The width of the connecting strip of land shall be measured along the shortest path between lot lines.

(10) The maximum lot-depth-to-width ratio shall be 3 1/2: 1.

(11) Flag lots. Flag lots shall only be permitted were specifically provided for within the Upper Allen Township Zoning Ordinance, and then only in compliance with the following:

(a) Flag lots shall only be permitted when they will enable the preservation of some important natural or cultural feature (including productive farmland), which would otherwise be disturbed by conventional lotting techniques. Further subdivision will require road frontage as specified in the Upper Allen Township Zoning Ordinance. Flag lots shall be restricted from future subdivision.

(b) For purposes of this section, a flag lot shall be described as containing two parts: 1) the “flag” shall include that portion of the lot that is the location of the principal and accessory buildings; 2) the “pole” shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.

(c) Requirements for the flag.
[1] The minimum lot area and lot width requirements of the Upper Allen Township Zoning Ordinance\textsuperscript{17} shall be measured exclusively upon the flag.

[2] For purposes of determining required yards and setbacks, the following shall apply:

[a] Front yard. The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;

[b] Read yard. The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above; and

[c] Side yard. The area between the principal structure and that one outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure.

The flag lot shall contain adequate driveway dimension for vehicular backup so that ingress to and egress from the lot is in the forward direction.

(d) Requirements for the pole.

[1] The pole shall maintain a minimum width of 50 feet.

[2] The pole shall not exceed 800 feet in length.

[3] No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements such as landscaping, fencing, utility connections to off-site facilities, mailboxes and signs.

[4] The cartway contained on the pole shall be located at least six feet from any adjoining property line and 20 feet from any existing structures on the site or any adjoining property.

No pole shall be located within 200 feet of another on the same side of the street.

\textbf{§ 220-5.6. Building setback lines and building separations.}

\textsuperscript{17} Editor’s Note: See Ch. 245, Zoning.
A. A building setback line shall be provided along each right-of-way and property line. The area within the building setback shall be preserved from structural development.

B. The building setback lines and building separations shall conform with the prevailing Upper Allen Township Zoning Ordinance requirements.

C. In the case of corner lots, the setback from each adjacent street shall apply.

§ 220-5.7. Sewage disposal.

A. As required by Article III of this chapter, all plan submissions must be accompanied by the appropriate sewage facilities planning module for land development, provided by the PA DEP. All planning module reviews shall conform to the Pennsylvania Sewage Facilities Act of 1965, P.L. 1935, No. 537, as amended; PA DEP Chapter 71 Regulations, Administration of Sewage Facilities; the Upper Allen Township Act 537 Plan; and this and any other Township ordinances.

B. Each new dwelling created in the Township shall be self-sufficient for sewage disposal and the sewage disposal system shall be public, community or individually owned, maintained or operated. The proposed sewer design must be based upon the results of the sanitary sewer feasibility report required by Article III of this chapter.

C. Measures to mitigate the impact of the proposed development upon archaeological and historic resources, agreed to with the Pennsylvania Historic and Museum Commission, shall be reviewed by the Township during the planning process, shall meet the requirements of any Township ordinance, and shall be subject to review and approval by the Board of Commissioners.

D. Public sewage facilities.

(1) Where a public sanitary sewer system is within 1,000 feet of, or where plans approved by the municipality provide for the installation of such public sanitary sewer facilities to within 1,000 feet of, a proposed subdivision or land development, the subdivider shall provide the subdivision or land development with a complete sanitary sewer system if, in the Board of Commissioners’ opinion, on the recommendation of the Commission, it is feasible.

(2) Where a public sanitary sewage system does not currently exist within 1,000 feet of the development site, but in the opinion of the Board of Commissioners will become available within five years, the subdivider shall install a complete sanitary sewer collection system in accordance with the following requirements:

(a) Collector mains shall be installed in the street or approved rights-of-way;
(b) Sewer laterals shall be installed in the right-of-way lines of streets, lot or parcel property lines, or sewer easement right-of-way lines, whichever pertains to the individual situation;

(c) The system shall be connected to an approved community on-lot system or a temporary package treatment plant until connection to a public sanitary sewer system is made;

(d) All termini shall be capped in a manner that will ensure that all collector mains, laterals and house line connections shall be watertight pending connection with the public sanitary sewer system.

(3) Design and construction.

(a) The construction of the system, including all service connections, pumping stations and interceptors, shall be constructed at the developer’s expense and shall not commence until application has been made to and written authorization to proceed with construction has been obtained from the Township.

(b) The system shall be designed by a registered professional engineer and approved by the Township Engineer.

(c) When a public sanitary sewer system is installed and capped by the applicant, the applicant may also install on-site sewage disposal facilities, provided the system is designed to allow connection to the public sewer when it becomes available.

(d) Sanitary sewers and sewage disposal systems shall not be combined with stormwater sewers and shall not be constructed to receive effluent from any stormwater collection system.

(e) Pipe sizes for sanitary sewer mains and sewer laterals and locations for manholes shall meet the Township’s specifications. The Township Engineer shall inspect the sewer line before it is backfilled.

(4) Central community sanitary sewage facilities.

(a) A central community sanitary sewage facility shall be permitted if it can be shown that such an approach would provide more reliable and effective treatment of waste than individual on-lot systems, or a central community system is required as part of cluster or open space development.
(b) The design and installation of a central community sanitary sewage facilities shall be subject to the approval of the Board of Commissioners and the PA DEP.

(c) The system shall be designed by a registered professional engineer and approved by the Township Engineer. The construction of the system, including all pumping stations, interceptors, drainage fields and treatment plants, shall be at the developer’s own expense.

(d) All suitable agreements, including financial guarantees shall be established for the ownership and maintenance of the system. Ownership and maintenance of the central community sanitary sewer system shall be the responsibility of an organization formed and operated in accordance with § 220-4.2.D. of this chapter.

(e) Central community sanitary sewage facilities shall be located on a separate lot under the ownership of an organization approved by the Township. The lot shall be used solely for the community sanitary sewage facility. 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 require setbacks.

(f) The Township shall have the right to inspect and test community sanitary sewage facilities at any time. The Township may require the owner to provide the results of regular professional testing of the system when the Township deems necessary. The cost of inspections and testing shall be the responsibility of the owner.

E. On-lot sewage disposal.

(1) Where public sanitary sewers are not feasible, the use of on-lot sewage disposal systems shall be permitted. The use of such on-lot systems is governed by regulations of the PA DEP and enforced by the Township Sewage Enforcement Officer (SEO).

(2) Prior to approval of any plan depicting on-lot sewage disposal systems, the developer shall have had soils testing performed on each lot to determine suitability for such systems and shall have secured the approval of the Township SEO and/or PA DEP through the use of planning module for land development. The Township SEO and PA DEP must approve each on-lot sewage disposal system including the primary and alternate absorption areas.

(3) An individual sewage disposal system shall be located on the lot it serves or within adjacent open space that is designated for that purpose.

§ 220-5.8. Water supply.
Each new dwelling created in Upper Allen Township shall be individually self-sufficient for water supply and the water supply system. The applicant shall provide an adequate and potable water supply and distribution system to service the proposed subdivision and land development which shall be: 1) individual; 2) public; or 3) private community and maintained and operated in accordance with the PA DEP. The purpose of these provisions is to ensure that each dwelling unit and each commercial and industrial building in all subdivisions hereafter granted approval shall have an adequate supply of potable water for domestic use, and where feasible, for fire protection.

A. Public water supply. Where there is an existing public water supply system within 1,000 feet from a proposed subdivision or land development and such system has adequate planned capacity and is willing to serve that subdivision or land development, a complete water supply system connection to the existing water supply system must be provided, and fire hydrants shall be installed in accordance with § 220-5.9 of this chapter.

   (1) Where plans approved by a public water supplier provide for the installation of such public water supply system within four years, the developer shall provide a complete water system for connection to the planned water main supply system.

   (2) Where connection to a public water supply is possible or feasible, the plan for the installation of such water supply must be prepared for the development with cooperation of the appropriate water utility company and approved by the Township Engineer. Upon completion of the water supply system, a reproducible as-built plan of the system shall be filed with the Township.

   (3) Where a public water supply system is not feasible for the proposed development as evidenced in the hydrogeologic/water facilities study, the developer shall provide information related to the construction and installation of a central community water supply system, as described in § 220-3.7 of this chapter.

B. Central community water supply system. The design and installation of a central community water supply system shall be subject to the approval of the Board of Commissioners and the PA DEP.

   (1) 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 PA DEP, the Township’s Standard Construction and Material Specifications Manual, latest edition, and the local service provider, and shall be subject to approval by the Township Engineer. Where a permit is required by PA DEP, it shall be presented as evidence of such review and approval before construction of the system will commence.

   (2) Where the central community water supply system occurs under the jurisdiction of the Pennsylvania Public Utilities Commission (PUC), the water supply study shall also incorporate those items of information as required by the Public Utilities Commission.
(3) The central community water supply systems shall be designed to furnish an adequate supply of water to each lot, with adequate water main sizes and fire hydrant locations to meet the specifications of the Middle Department Inspection Agency (MDIA) [3901 Hartzdale Drive, Suite 112, Camp Hill, PA 17011, 717-761-5340, fax: 717-761-5590]. A technical study shall be submitted to the Township for review by the Township Engineer and Fire Company representatives. Fire hydrants should also be placed and constructed in accordance with § 220-5.9 of this chapter.

(4) All suitable agreements, including financial guarantees, shall be established for the ownership and maintenance of the system. Ownership and maintenance of the central community water system shall be the responsibility of an organization formed and operated in accordance with § 220-4.2.D. of this chapter. Such a system shall be designed and constructed in a manner that would permit adequate connection to a public water supply system in the future.

(5) All water systems located in flood-prone areas, whether public or private, shall be floodproofed to a point of 1 1/2 feet above the one-hundred-year-flood elevation.

(6) Groundwater control for central community water systems. Groundwater for central community water systems must conform with the PA DEP requirements and standards. A minimum of two sources of groundwater must be provided for each community water system. Each should be capable of supplying the average daily demand of the proposed dwelling units.

C. On-lot water supply.

(1) Where there is no existing public water supply and hydrogeologic/water facilities study indicates that connection to a public water supply system and central community system is not feasible, each lot in the development must be provided with an individual on-lot water supply system in accordance with the standards required by the PA DEP. The Board of Commissioners shall approve the use of individual on-lot water supply systems when:

   (a) The hydrogeologic/water facilities study indicates that justification of the project necessitates the use of this type of water supply;

   (b) The anticipated water supply yield is adequate for the type of development proposed;

   (c) The installation of an on-lot system(s) will not endanger or decrease the groundwater supplies to adjacent properties.

(2) Construction of wells for individual small water supplies shall conform to PA DEP’s Construction Standards for Individual Water Supplies, as revised.
§ 220-5.9. Fire hydrants.

A. Where public and central community water systems are provided for subdivision and land development, fire hydrants suitable for coupling with fire equipment serving the Township shall be installed as specified by the Insurance Services Offices of Pennsylvania. The fire protection system shall be designed by a registered professional engineer and approved by the Township Engineer and the Township Fire Chief.

B. Fire hydrants shall meet the following standards herein and, in the Township’s Standard Construction and Material Specifications Manual, latest edition, and shall be approved by the Board of Commissioners upon review and recommendation by the Township Engineer and the Township Fire Chief.

(1) All fire hydrants will be located on an eight-inch line or a looped six-inch line. Where a dead-end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall have a minimum diameter of eight inches.

(2) Fire hydrants shall be spaced in a development so that all proposed buildings will be no more than 600 feet from the hydrant, measured along traveled ways.

(3) All central community water systems must provide a minimum of 500 gallons per minute (GPM) at a residential pressure of 20 psi for a two-hour period.

(4) Fire hydrant adapters shall be a five-inch Storz Hydrant Adapter.

C. The cost of a hydrant is charged to the governing body by the appropriate water authority. The developer shall post monies sufficient to cover the cost of the installation of said fire hydrants with the Board of Commissioners prior to the approval of the development plan.

§ 220-5.10. Utility easements.

A. Utilities.

(1) Easements shall be provided for poles, wires, conduits, storm and sanitary sewer lines, gas, water and heat mains, and other utilities intended to serve the abutting lots and for access to facilities. Wherever possible, such easements shall be centered on the side or rear lot lines or along the front lot lines. The minimum width of utility easements shall be as follows:

   (a) Sanitary sewer and storm drainage facilities: 30 feet.

   (b) Underground and overhead public utilities: 20 feet.

(2) Nothing shall be placed, planted, set or put within the area of an easement or planting strip that would adversely affect the function of the easement or planting strip or
conflict with an easement agreement. No structures shall be placed in any easement or planting strip unless otherwise noted in an agreement. This requirement shall be noted on the final plan.

(3) Where any natural gas, petroleum or high-tension electric transmission line traverses a subdivision or land development, the applicant shall confer with the applicable transmission or distribution company to determine the minimum easement requirements for the transmission line. Additionally, the Township will require, with the final plan application, a statement from the owner of the transmission line stating any conditions on the use of the tract which shall contain the above.

(4) The applicant shall provide the Township with copies of easement agreements or statements from public utility providers, as applicable, to confirm the adequacy of proposed easements.

B. Stormwater, sanitary sewer and clear water collection systems. Where a subdivision and/or land development are traversed by stormwater, sanitary sewer or clear water collection system facilities, a utility easement shall be provided. In no case shall the easement be less than 30 feet in width. Additional width may be required by the Board of Commissioners depending on the purpose and use of the easements.

C. Stream, watercourse, drainage channel, pond or lake.

(1) Where a subdivision and/or land development is traversed by a watercourse, drainageway, channel or street, there shall be provided a drainage easement conforming sustainability with its location for the purpose of widening, deepening, relocating, improving or protecting such watercourses, providing proper maintenance, or for the purpose of installing a stormwater or clear water system. The following standards shall apply:

(a) Perennial streams: 15 feet from the stream bank.

(b) Intermittent stream, drainageway, channel or swale: 15 feet from the center line of the watercourse.

(c) An access easement shall be provided to the drainage easement. The width of such access points shall not be less than 30 feet.

(2) In no case shall any drainage easement be less than 30 feet in width.

D. Conservation.

(1) Where environmental protection and floodplain overlay zones exist, a conservation easement shall be depicted on the plan within the overlay area.
(2) In all subdivisions and land developments, a fifteen-foot conservation easement shall be provided around all delineated wetland areas to ensure minimal disturbance and encroachment in these areas.

E. Pedestrian.

(1) Where necessary for access to public or common lands, a pedestrian easement shall be provided with a width of no less than 10 feet. Additional width, fencing and/or planting may be required by the Board of Commissioners, depending on the purpose and use of the easement.

(2) When a subdivision proposed multifamily dwellings or single-family attached and semi-detached dwellings, the plans shall include an access easement for the purposes of property maintenance along the front and rear property lines of all units and side property lines of the end units, to allow all lot owners access to the front and rear yards. The access easement shall have a minimum width of 10 feet. This requirement shall be noted on the final plan and shall be included in all deeds for lots which contain the easement. This easement is intended only for pedestrian access or for small and nonlicensed motorized maintenance equipment.

§ 220-5.11. Monuments and markers.

A. Monuments must be so placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.

B. Location of monuments.

(1) At the intersection of lines forming angles in the boundaries of the subdivision.

(2) At the intersection of street right-of-way lines.

(3) At change in alignment of streets.

(4) At each lot in a subdivision, with each lot having at least two monuments.

(5) At such intermediate points as may be required by the Township Engineer.

C. Markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots; and at all other lot corners.

D. Monuments and markers shall be made of the following size and material:
(1) Monuments shall be six inches square or four inches in diameter and shall be 30 inches long. Monuments shall be made of concrete, stone or by setting four-inch cast iron or steel pipe filled with concrete. Monuments must be marked on top with a copper or brass dowel.

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

E. All monuments shall be placed by a registered engineer or surveyor so that the center of the monument shall coincide exactly with the point of intersection of the lines being monumented.

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

§ 220-5.12. Street names and name signs.

A. Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by use of suffixes such as “land,” “way,” “drive,” “court,” and “avenue”. In approving the names of new streets, cognizance shall be given to existing or platted street names within the Township and postal district. New street names shall bear the same name or number of any continuation or alignment with an existing or platted street. All proposed street names must be approved by the Township.

B. The contractor or developer shall install street name signs at each street intersection. All traffic control signs and devices are to be installed prior to any certificates of occupancy being issued.


§ 220-5.13. Landscaping, buffer yards and screening.

In residential subdivisions of 10 or more units, all commercial and industrial subdivisions and land developments with greater than 10 parking spaces, the developer shall provide buffer yards and landscaping in accordance with this section. For commercial and industrial subdivisions and land developments, a minimum of 10% of the developed area shall be landscaped or in buffer yards.

A. General buffer and screening regulations.

(1) Buffer yards shall be provided in accordance with the Upper Allen Township Zoning Ordinance, as amended. Screening and screens in buffer yards shall be installed in accordance with § 220-5.13.B. of this chapter.
(2) All plantings shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Study of Nursery Stock, ANSI Z60, current edition, as amended.

B. Screening.

(1) Screening and screens required by this chapter are intended to provide an effective visual barrier at the street level between conflicting uses related to noise, heat, glare, dust and traffic. Screening and screens are used to preserve property values and ensure the compatibility of different land uses as well as improve the appearance of individual properties and neighborhoods in the Township. This section provides standards and options for the design and installation of plants, fences and walls used as screening in the Township. Screening shall be in accordance with the following table. An exhibit showing examples of the Buffer Yard Types is available at the Township building. The buffer yard types relate to the Township’s zoning districts as described in the Upper Allen Township Zoning Ordinance, General buffer regulations, as amended.  

**Buffer Yard Type and Minimum Screening**

<table>
<thead>
<tr>
<th>Buffer Yard Type</th>
<th>Minimum Screening</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>One shade tree per 50 linear feet and one evergreen tree per 40 linear feet of buffer yard screen.</td>
</tr>
<tr>
<td>2</td>
<td>One shade tree per 40 linear feet and one evergreen tree per 30 linear feet of buffer yard screen and one deciduous or evergreen shrub per 20 linear feet of buffer yard screen. At least 60% of shrub plantings shall be of the evergreen type.</td>
</tr>
<tr>
<td>3</td>
<td>One shade tree per 30 linear feet and one evergreen tree per 10 linear feet of buffer yard screen and one deciduous or evergreen shrub per 10 linear feet of buffer yard screen. At least 70% of shrub plantings shall be of the evergreen type.</td>
</tr>
</tbody>
</table>

(a) All screening materials and landscaping shall not encroach upon the adjoining property line at full maturity.

(b) Landscaping shall be a combination of shade trees, ornamental trees, evergreen trees, deciduous shrubs, evergreen shrubs and ground covers. The following buffer yard planting shall be of the minimum planting height:

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19 Editor’s Note: See Ch. 245, Zoning, Section 245-16.5.
[1] Evergreen trees, including arborvitae trees or shrubs: minimum five-foot planting height.


[3] Evergreen or deciduous shrubs: minimum eighteen-inch planting height, reaching a minimum of 30 inches within two years. All shrubs must have a minimum spread of 12 inches to 15 inches when planted.


(c) Selected plant materials shall be in accordance with § 220-5.13.B.(3), recommended plant species, herein.

(d) All loading and service areas shall meet the following screening requirements when adjacent to a residential zone or use; one shade tree per 60 linear feet and one evergreen per 10 linear feet of visible loading and service area.

(e) All dumpsters, transformers, fuel storage tanks and unsightly utilities shall meet the following screening requirements regardless of location or district: one shade tree per 40 linear feet and one evergreen tree per five linear feet of visibility. In addition, all trash disposal areas shall be effectively screened with no less than a six-foot solid fence so as not to be visible from parking areas, roadways or adjacent properties. Refuse collection systems shall also be in accordance with § 220-5.17 of this chapter.

(f) Existing acceptable vegetation should be retained when feasible. Credit may be applied to required perimeter landscape plantings if the existing trees can be maintained and are of acceptable size and health.

(g) Screening of stormwater management facilities shall be in accordance with the following standards:

[1] Landscape buffering and screening techniques shall be required for stormwater management facilities that are adjacent to dissimilar adjoining properties and public and private roads.

[2] The stormwater management screening and buffering shall not be applied to fulfill any other of the required landscape buffering requirements of the site.

[3] If stormwater facilities and ponds are required to provide fencing, the required fencing cannot be credited towards stormwater facility landscape requirements.

[4] When fences abut public or private roads or dissimilar land uses, the proposed plantings shall be on the exterior of the fence, facing adjacent roadways and properties.
[5] Stormwater management buffering and screening requirements may be exempt from industrial zoned districts if they are not adjacent to dissimilar uses. When stormwater facilities adjoin or are adjacent to residentially zoned districts, residential uses, and/or public roadways, the required screening shall be in compliance with buffer yard 3 above.

[6] The means in which to quantify required plant material will be measured from the top of the dam elevation in linear feet.

[7] Plant material shall not be permitted in fill areas which may compromise the structural integrity of the stormwater management facility. This restriction shall not supersede the required landscape screening and buffering requirements.

[8] The required plant material shall be of native vegetation or an acceptable equivalent site-tolerant plant type in accordance with this chapter.

[9] The proposed plant material and landscaping requirements for the stormwater management facility should be designed in a manner that will minimize excessive maintenance.

[10] If the side slopes of the stormwater facility are too steep (3:1 slope or greater) to mow and maintain, it is recommended that they be planted with acceptable ground covers which do not require excessive mowing.

[11] The proposed required landscape shall not encroach or impede the ability to access and maintain the stormwater facility. Woody vegetation that includes deciduous evergreen trees and shrubs shall not be on the embankments or within 50 feet of an inlet structure, standpipe or drainageway. Proposed vegetation that has excessive leaf and seed litter will not be permitted.

[12] Existing acceptable vegetation should be retained around the proposed stormwater management facility when feasible. Credit may be applied to required perimeter landscape plantings if the existing trees can be maintained and are of acceptable size and health.

(2) Landscaping islands.

   (a) Any off-street parking area (except a parking garage or parking spaces underneath a building), for a use other than single-family dwellings or a farm, containing 25 or more parking spaces, constructed whole or in part, shall require raised planting
islands and shall be landscaped in accordance with the Upper Allen Township Zoning Ordinance and this Chapter.

[1] No more than 25 parking spaces shall be placed in a continuous row without an intervening landscaping island. The landscaping island shall be parallel to the row of parking. Landscaping islands within the parking row may be raised, curbed or contain different materials such as permeable paving blocks or bricks as an alternative design, or other acceptable material as approved by the Board of Commissioners.

[2] The ends of the parking rows shall be designated by landscaping islands, with continuous concrete curbing, and shall be equal to the width of one parking space and the depth or length equal to the parking stalls for each row of parking measured from inside the curbing. The minimum curb radius around the planting island shall be no less than four feet.

[3] Landscaping islands may be lowered or flush when designed to collect stormwater runoff from adjacent paved parking areas.

[4] For existing parking lots to be improved to include 25 parking spaces or more, the required landscaping islands shall be provided for the entire parking lot.

(b) Each required planting island shall contain at least one shade or canopy tree, chosen from the list of approved plantings in subsection D.(7)[a][1] herein.

(c) Additional landscaping shall include a combination of three (3) or more of the following elements: shade tree, canopy tree, deciduous tree, ground covers, evergreens, shrubs, flowers, vines, earth mounds, gravel, rocks, or other materials approved by the Board of Commissioners. Ground cover alone is not sufficient to meet the landscaping requirement. Artificial plants, trees and shrubs may not be used to satisfy these requirements.

(d) Additional planting is encouraged in landscaping islands and may include a variety of trees, ornamental trees, shrubs and ground cover chosen from the list of approved materials in this Chapter, or at the discretion of the Board of Commissioners provided that:

[1] At the ends of the landscaping islands of the interior and exterior intersections, drivers’ visibility is maintained by limited planting.

[2] Limited planting shall mean:
[a] Not more than one shade or canopy tree within the area.

[b] No shrubs or ground cover plants exceeding two feet in height.

[c] No evergreen trees.

[3] Artificial plants, trees and shrubs may not be used to satisfy these requirements.

(e) Lighting for parking lots may be located within the planting islands but may not count as a required landscaping element.

(f) Landscaping islands shall not be included as part of any buffer yard requirement. Landscaping islands shall be behind the building setback line, except where buffer yards are required, in which case such landscaping islands may not encroach on the buffer yard area.

(3) Recommended plant species for landscape screens and landscaping islands.

(a) Medium-to-large shade trees:

- Acer rubrum: Red maple
- Betula alleghaniensis: Yellow birch
- Betula lenta: Black birch
- Betula nigra: River birch
- Fagus grandifolia: American beech
- Fraxinus Americana: White ash
- Fraxinus pennsylvanica: Green ash
- Liriodendron tulipfera: Tulip poplar
- Nyssa sylvatica: Black gum
- Pinus strobes: Eastern white pine
- Platanus occidentalis: Sycamore
- Quercus alba: White oak
- Quercus montana: Chestnut oak
- Quercus palustris: Pin oak
- Quercus rubra: Red oak
- Sassafras albidum: Sassafras
- Tilia Americana: Basswood
- Tsuga canadensis: Canadian hemlock

(b) Small trees and shrubs:

- Alnus serrulata: Smooth alder
- Amelanchier arborea: Serviceberry
- Aronia melanocarpa: Black chokeberry
<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Jersey tea</td>
<td>Ceanothus americanus</td>
</tr>
<tr>
<td>Buttonbush</td>
<td>Cephalanthus occidentalis</td>
</tr>
<tr>
<td>Redbud</td>
<td>Cercis Canadensis</td>
</tr>
<tr>
<td>Alternative-leaved dogwood</td>
<td>Cornus alternifolia</td>
</tr>
<tr>
<td>Silky dogwood</td>
<td>Cornus amomum</td>
</tr>
<tr>
<td>Flowering dogwood</td>
<td>Cornus florida</td>
</tr>
<tr>
<td>Witch hazel</td>
<td>Hamamelis virginiana</td>
</tr>
<tr>
<td>Wild hydrangea</td>
<td>Hydrangea arborescens</td>
</tr>
<tr>
<td>Winterberry</td>
<td>Ilex verticillata</td>
</tr>
<tr>
<td>Mountain laurel</td>
<td>Kalmia latifolia</td>
</tr>
<tr>
<td>Spicebush</td>
<td>Lindera benzoin</td>
</tr>
<tr>
<td>Ninebark</td>
<td>Physocarpus opulifolius</td>
</tr>
<tr>
<td>Wild plum</td>
<td>Prunus Americana</td>
</tr>
<tr>
<td>Rosebay</td>
<td>Rhododendron maximum</td>
</tr>
<tr>
<td>Pinxter flower</td>
<td>Rhododendron periclymenoides</td>
</tr>
<tr>
<td>Black willow Salix</td>
<td>Salix nigra</td>
</tr>
<tr>
<td>Silky willow</td>
<td>Salix sericea</td>
</tr>
<tr>
<td>Elderberry</td>
<td>Sambucus canadensis</td>
</tr>
<tr>
<td>Lowbush blueberry</td>
<td>Vaccinium angustifolium</td>
</tr>
<tr>
<td>Highbush blueberry</td>
<td>Vaccinium corymbosum</td>
</tr>
<tr>
<td>Maple-leaved viburnum</td>
<td>Viburnum acerifolium</td>
</tr>
<tr>
<td>Arrowwood</td>
<td>Viburnum recognitum</td>
</tr>
<tr>
<td>Virginia creeper</td>
<td>Parthenocissus quinquefolia</td>
</tr>
</tbody>
</table>

(4) The following plants CANNOT be used because they are on the Pennsylvania Invasive Plant List.

(a) Trees:

Ailanthus altissima            Tree of Heaven
Ulmus pumila                   Siberian elm

(b) Shrubs:

Elaeagnus umbellate            Autumn olive
Lonicera maackii               Amur honeysuckle
Lonicera morrowii              Morrow’s honeysuckle
Lonicera standishii            Standish honeysuckle
Lonicera tatarica              Tartarian honeysuckle
Rose multiflora               Multiflora rose
Berberis vulgaris             European barberry
Elaeagnus angustifolia        Russian olive
Ligustrum obtusifolium        Border privet
Ligustrum vulgare             Common privet
C. Preservation and protection of existing wooded areas and trees.

(1) Existing wooded areas and trees shall be protected to prevent unnecessary destruction. At least 25% of the number of trees (minimum trunk caliper of five inches at six inches above the ground) that exist at the time of plan submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of three inches at a height of six inches above finished grade and located within nonbuildable sections of the site (i.e., floodplain, steep slope and setback areas). Plans shall be submitted showing existing trees and proposed construction and be in conformance with this section.

(2) Healthy wooded areas of one acre or more shall be preserved and designated as greenway areas or open areas, to the maximum extent possible. Proposed site improvements shall be located, designed and constructed to minimize the loss, fragmentation or degradation of wooded areas.

(3) All subdivisions and land developments shall be laid out in such a manner so as to preserve the healthy trees and shrubs on the site, whenever possible. The Township may refuse approval of any plan showing the unnecessary destruction of healthy trees and shrubs, particularly those for which special care is required.

(4) Trees with a trunk caliper of at least five inches at six inches above the ground shall not be removed unless they are located within the proposed cartway, driveway, or sidewalk portion of the street right-of-way, or within 15 feet of the foundation area of a proposed building, or as required by the Sewage Enforcement Officer for installation of an on-lot septic system. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.

(5) During the construction of any site, trees and shrubs, as defined herein, shall be protected by temporary fencing to ensure that there is no encroachment or disturbance within the area of their dripline by changing grade, trenching, stockpiling of building materials or topsoil or compacting the soil and roots by any equipment.

(6) Trees that are dead, diseased, substantially in decline or stressed, or are of an invasive species shall be removed.

(7) Replacing Trees Destroyed by Development. If an approved subdivision or land development plan states that certain trees are to be preserved, and if said trees are destroyed or damaged beyond repair during construction or other reasons caused by site improvements, said trees shall be replaced. The developer shall be required to
replace those trees with new mature trees at the rate of three new trees to one removed
tree. The replacement shall be in accordance with the following:

<table>
<thead>
<tr>
<th>Tree Sized Removed (in inches)</th>
<th>Replacement Size (in inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 – 12</td>
<td>1</td>
</tr>
<tr>
<td>To 18</td>
<td>2</td>
</tr>
<tr>
<td>To 24</td>
<td>3</td>
</tr>
<tr>
<td>To 30</td>
<td>4</td>
</tr>
<tr>
<td>To 36</td>
<td>5</td>
</tr>
<tr>
<td>To 42</td>
<td>6</td>
</tr>
<tr>
<td>Greater than 42</td>
<td>7</td>
</tr>
</tbody>
</table>

[a] Replacement trees shall be positioned, spaced and planted to replicate a native
woodland or forest and near other woodland when possible to expand existing
woodland. All species are to be native to the area.

(8) The provisions in this section are not intended to restrict existing residential property
owners from tearing out or removing trees on their property nor restrict agricultural
clearing.

(9) Financial benefit to the developer will not constitute a sufficient reason to avoid
compliance with this section.

D. Street trees. Street trees shall be provided in all residential subdivisions with densities greater
than one dwelling unit per acre and all commercial and residential land developments. All
street trees shall be provided by the applicant in accordance with the following standards:

(1) The trees shall be nursery grown in a climate similar to that of the locality of the project.
Varieties of trees shall be subject to the approval of the authority which accepts
ownership of the street.

(2) All trees shall have a normal habit of growth and shall be sound, healthy and vigorous;
they shall be free from disease, insects, insect eggs and larvae.

(3) The trunk diameter, measured at a height of six inches above finish grade, shall be a
minimum of two inches.

(4) Trees shall be planted between the street right-of-way line and the building setback line
except where the municipality has authorized the placement of trees within the street
right-of-way. Trees shall be planted at least five feet from the sidewalk. The trees’
growth shall not interfere with the street cartway, sidewalk or utility line. Street tree
branching shall not interfere with clear sight triangles. Typical branching shall not be
within 10 feet of ground level after 10 years of growth.
(5) All planting shall be performed in conformance with good nursery and landscape practice and to the standards established by the authority which accepts ownership of the planting.

(6) Requirements for the measurements, branching, grading, quality, balling and the burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSI Z60, current edition, as amended.

(7) A minimum of two canopy trees shall be provided for every 100 feet of public right-of-way. Street trees shall be placed a minimum of 40 feet apart along the right-of-way and shall be located so as to maximize the growth potential of the plant material, minimize the potential for root interference with public infrastructure, and enhance the quality of the development.

(a) Street trees shall be one of the following species:


<table>
<thead>
<tr>
<th>Species 1</th>
<th>Species 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crataegus crus galli inermis</td>
<td>Thornless cockspur hawthorn</td>
</tr>
<tr>
<td>Crataegus phaenopyrum</td>
<td>Washington hawthorn</td>
</tr>
<tr>
<td>Crataegus viridis</td>
<td>Winter King hawthorn</td>
</tr>
<tr>
<td>Amelanchier grandiflora</td>
<td>Shadblow/serviceberry</td>
</tr>
<tr>
<td>Syringa reticulata</td>
<td>Japanese tree lilac</td>
</tr>
<tr>
<td>Prunus sargentii columnaris</td>
<td>Columnar Sargent cherry</td>
</tr>
<tr>
<td>Acer ginnala</td>
<td>Amur maple</td>
</tr>
<tr>
<td>Acer buergerianum</td>
<td>Trident maple</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Species 1</th>
<th>Species 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpinus caroliniana</td>
<td>American hornbeam</td>
</tr>
<tr>
<td>Carpinus betulus</td>
<td>European hornbeam</td>
</tr>
<tr>
<td>Pyrus</td>
<td>Redspire callery pear</td>
</tr>
<tr>
<td>Pyrus</td>
<td>Aristocrat callery pear</td>
</tr>
<tr>
<td>Gled triacanthos inermis</td>
<td>Imperial honey locust</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Species 1</th>
<th>Species 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fraxinus pennsylvanica</td>
<td>Green ash</td>
</tr>
<tr>
<td>Gleditsia triacanthos inermis</td>
<td>Thornless honey locust</td>
</tr>
<tr>
<td>Quercus rubra</td>
<td>Northern red oak</td>
</tr>
<tr>
<td>Tilia cordata</td>
<td>Littleleaf linden</td>
</tr>
<tr>
<td>Quercus</td>
<td>Willow oak</td>
</tr>
<tr>
<td>Quercus alba</td>
<td>White oak</td>
</tr>
<tr>
<td>Quercus robur</td>
<td>English oak</td>
</tr>
</tbody>
</table>
Ginkgo biloba (male only)  
Fraxinus americana  
Zelkova serrata  
Nyssa sylvatica  
Corylus colurna  
Metasequoia glyptostroboides  
Acer rubrum  
Ginkgo  
White ash  
Zelkova “green vase”  
Black gum or tupelo  
Turkish filbert  
Dawn redwood  
Red maple

(b) The following species are not acceptable for use as street trees because of their brittleness, growing habits and excessive litter:

Acer saccharum  
Aesculus hippocastanum  
Ceanothus americanus  
Crataegus  
Fraxinus species  
Ginkgo biloba  
Gleditsia  
Prunus americana  
Silver maple  
Common horse chestnut  
New Jersey tea  
Hawthorn (thorny species)  
Ash family  
Ginkgo (female species)  
Honey locust (thorny species)  
Wild plum

(c) Other tree species may be used, provided acceptable information is submitted to indicate that the species are hardy street trees. No one species shall compose more than 25% of the entire number of street trees in a particular development.

(8) Street trees are to be maintained and guaranteed for a minimum of two years by the developer. Planting of trees shall occur within the standard planting season (March through November). No more than 1/3 of the tree shall be damaged or dead without replacement. Replacement trees shall conform to all requirements of this section and shall be maintained and guaranteed for a minimum of two planting seasons.

E. Ground cover. Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are no covered by paving, stone or other solid material shall be protected with a suitable ground cover consisting of spreading plants including sods and grasses less than 18 inches in height.


A. General requirements and standards.

(1) In conjunction with the submission of a subdivision and land development plan, an erosion and sediment pollution control (E&SPC) plan must be submitted to the Cumberland County Conservation District for its review and approval in accordance with the requirements of Title 25 PA Code, subsection 102.1 et seq., Erosion and Sediment Control Regulations of the PA DEP. A copy of the E&SPC plan must be provided to the Township.
In accordance with the above-referenced PA DEP regulations, construction and land development activity involving earth disturbances of five acres or more will require a National Pollution Discharge Elimination System (NPDES) general permit for discharges of stormwater associated with construction activities (PAG-2) from the PA DEP. Earth disturbance activities of five acres or more which are not eligible for coverage under the NPDES general permit will require a NPDES individual permit for discharges of stormwater associated with construction activities from the PA DEP.

(2) The applicant shall be responsible to prepare and forward all applicable E&SPC plan information and other data to the appropriate county and state agencies.

(3) The Township shall not issue a building permit to those engaged in earthmoving activities requiring a PA DEP permit and other NPDES permits, until the PA DEP has reviewed and issued all applicable permits.

(4) An E&SPC Plan must be prepared for a single lot or more where subdivision, land development or other earthmoving activity is proposed. The plan must be submitted: a) as required by the erosion and sediment control regulations of the PA DEP noted above; and b) as required by the Pennsylvania Clean Streams Law, Act 222, July 31, 1970, as amended.

(5) In the preparation of erosion and sediment control plans, the person preparing such plans shall consult with the Cumberland County Conservation District to determine the measures needed to control erosion and sedimentation. The most recent version of the Erosion and Sediment Pollution Control Program Manual, prepared by the PA DEP in accordance with Chapter 102, shall be used in the preparation of such plan. Copies are available in the Cumberland County Conservation District Office.

(6) In the case of subdivision plans proposed for the sale of lots only, the subdivider/applicant shall include on the final plan a covenant with the land assuring the implementation of erosion and sediment pollution control plans by lot owners.

§ 220-5.15. Park, recreation and open space requirements.

A. Where a proposed school, park, playground, easement or other publicly owned or operated facility is shown on the Comprehensive Plan or where deemed necessary by the governing body and Planning Commission, the governing body may require the reservation of such area within the subdivision or land development. The size and location for any reservation of land shall be suitable for the designated purpose, as determined by the governing body and Planning Commission.

B. In the layout and design of a subdivision or land development, the subdivider or developer shall make provisions for the preservation of natural features which would add to the aesthetic value and living amenities for the residents of the municipality; the preservation of trees and
wooded areas; the protection and preservation of watercourses; and the protection and preservation of historical points of interest.

C. If a subdivision or land development is within 1,000 feet of an historic district designated in Chapter 155, Historic Districts, enacted by the governing body, or if the subdivision or land development encompasses or abuts land on which is situated an historic property included within an official listing approved by the governing body, the subdivider or developer shall be subject to such requirements and restrictions, including buffer zones and screening, as may be imposed by the governing body for the purpose of protecting and preserving such areas.

D. Open space, recreation land and fee requirements.

(1) The purpose of this provision is to ensure that present and future residents of Upper Allen Township will have adequate open space, parks, recreation areas and facilities available to them by establishing requirements for the dedication of land for open space and for the dedication of land or a fee in lieu of such dedication to be imposed on subdividers and land developers as authorized by the Municipalities Planning Code. All land so dedicated for recreation areas and facilities or fees collected in lieu thereof shall be used only for the purpose of providing accessible park or recreational facilities.

(2) Every subdivision or land development for residential purpose containing an aggregate of 50 or more dwelling units shall contain open space for recreational, scenic or aesthetic purposes according to the following schedule:

<table>
<thead>
<tr>
<th>Number of Residential Units</th>
<th>Required Open Space (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 to 75</td>
<td>2</td>
</tr>
<tr>
<td>76 to 100</td>
<td>3</td>
</tr>
<tr>
<td>101 to 150</td>
<td>4</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>More than 200</td>
<td>8</td>
</tr>
</tbody>
</table>

(a) The location and distribution of open space shall be approved by the governing body after reviewing the considerations pertaining to each particular subdivision or land development. As a general rule, the open space in subdivisions or land developments which border land which is already subdivided or developed shall be located along the border of such land or lands; open space in subdivisions or land developments which do not border on land which is already subdivided or developed shall be located in the interior of the proposed subdivision or land development. To the extent consistent with all other considerations, the required open space shall be concentrated in one or more bulk areas of not less than three acres each. Additional open space beyond the required amount herein shall be concentrated in one or more bulk areas of not less than one acre each.
(b) Open space shall be suitably graded where necessary, provided with a vegetative cover and, unless otherwise approved by the governing body, landscaped. Ownership of the open space may remain in the subdivider or developer, may be vested in an association of property owners or may be dedicated to the Township as approved by the governing body. Proper provisions satisfactory to the governing body must be made for maintenance and preservation of the open space. Stormwater management facilities shall not be included in the calculations for determining required open space areas.

(c) If a natural watercourse or drainageway abuts or runs through the proposed subdivision or land development, the subdivider or developer shall set aside as open space a strip of land on each side of such watercourse, 50 feet in width (measured from the nearest edge or bank) and running the entire length of that portion of the watercourse which abuts or runs through the subdivision or land development. Such open space shall be in addition to the open space required elsewhere in Subsection D of this section. Subdivisions or land developments on land which abuts or comes within 500 feet of the Yellow Breeches Creek shall be subject to additional requirements as the governing body may deem necessary to protect and preserve that watercourse.

(3) Every final subdivision or land development plan shall, as a condition of approval and subject to the conditions for acceptance set forth hereafter, provide for the development of recreational areas or facilities by the dedication of land and improvements suitable therefor, unless the Board of Commissioners determines that such land in that location would not be reasonable, in which case a recreation fee in lieu of land shall be required in accordance with the hereinafter established standards as set forth in Subsection D(5) of this section.

(a) Residential. Except as hereinafter provided, every owner, subdivider or developer shall dedicate a portion of the land proposed for said development to the Township for recreational purposes in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Number of Residential Units</th>
<th>Required Open Space (acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>7</td>
</tr>
<tr>
<td>201 to 250</td>
<td>10</td>
</tr>
<tr>
<td>More than 250</td>
<td>2 acres for every 50 units or portion thereof</td>
</tr>
</tbody>
</table>
(b) Nonresidential. Except as hereinafter provided, every owner, subdivider or developer shall dedicate a portion of land proposed for said development to the Township for recreational purposed in accordance with the following standards and formula:

1. Business and professional office uses: 300 square feet per 300 square feet of gross floor area for said office space.

2. Commercial uses: 500 square feet per 500 square feet of gross floor area for commercial use.

3. Industrial uses: 1,500 square feet per 1,500 square feet of gross floor area for industrial use.

4. Institutional uses: 1,500 square feet per 1,500 square feet of gross floor area for institutional use. Public uses and facilities owned and operated by political subdivisions and public school districts are excluded from the requirements of this provision.

(c) Acceptance of the dedication shall be at the option of the Board of Commissioners. The decision of the Board of Commissioners to accept or reject dedication shall be conclusive. In determining whether to accept or reject land offered for dedication, the Board of Commissioners shall consider recommendations from the Township Parks and Recreation Board and Planning Commission and the following factors:

1. Location. Recreational space must be contiguous with the subdivision land to be developed. When public park and open space land exists adjacent to the tract to be subdivided, the dedicated land shall be located to adjoin and enlarge the existing public park and open space land.

2. Access. At least one side of the dedicated land shall abut and have access to a public street for a minimum required lot width of one-hundred (100) feet. No roadways shall traverse the dedicated land. Recreational space must be accessible to pedestrians, with necessary foot bridges or tunnels or other means to be provided by the developer, including roads or easements.

3. Utilities. The dedicated land shall be accessible to utilities such as sewer, water and power that are provided to the subdivision or land development, and if so requested by the Township, the developer shall extend such utilities to the dedicated land.

4. Slope and grading. Not more than 20% of the offered land shall be located in a floodplain, contain public or private underground or
overhead utility easements and/or rights-of-way, or exceed a slope in excess of 7%. The offered land shall contain a significant amount of topsoil and shall be suitably graded, provided with a vibrant grass ground cover or other approved vegetative cover, and, unless otherwise approved by the governing body, landscaped per subsection (4)(c)[8] below. All grading, seeding and landscaping shall be performed by the developer.

[5] Size. The dedicated land shall be part of a contiguous tract of at least three acres and never less than the minimum lot size for the underlying zoning district unless the land shall be developed as a trail or bike route. The site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate such uses, where practical, such as ball fields, courts, and other open play areas. The land may be one parcel or a number of parcels strategically located, as subject to approval by the Board of Commissioners.

[6] Equipment. Each park, tot lot or other form proposed for dedication shall be provided with modern recreational equipment at the expense of the developer. Recreational equipment shall be subject to approval by the Board of Commissioners.

[7] Parking. On-site parking shall not be required, provided that the recreational area is within one-fourth-mile radius of 75% of the lots to be served. Otherwise, one space shall be required for each five dwelling units to be served by said facilities.

[8] Landscaping. No exposed surfaces are permitted, except a softball/baseball, volleyball, horseshoe, tennis, botchy field or other approved recreational game. All unused areas shall be planted and maintained in grass, crown vetch or other typical ground cover. Flowers are encouraged. Shade trees are mandatory and shall be subject to a specific tree planting plan, varying with the size and other site characteristics.

[9] Condition. Under no circumstances will unclaimed or derelict land, such as marshes, swamps, or wetlands, comprising more than 20% of the total proposed recreational space, nor any stormwater retention or detention basin/facilities be acceptable. The land shall have soils suitable for the intended recreational use.
[10] No part of the site shall be calculated as part of any required setback, buffer yard, and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance\(^{21}\) and/or this Chapter.

(d) Nothing within this Chapter shall prohibit a developer from offering land for dedication as a park and recreational facility that is larger in area than that required by these regulations.

(4) In the event the Board of Commissioners determines not to accept land offered for recreation use, a contribution to the Township Recreation Land Acquisition and Improvement Fund in lieu of dedication shall be required.

(a) Fees for residential development. Every subdivision or land development for residential purposes shall contribute to the Township Recreation Land Acquisition and Improvement Fund (the “fund”) an amount of $2,300 per dwelling unit. This fee may be revised, from time to time, by resolution of the Board of Commissioners.

(b) Fees for nonresidential development. Each subdivision or land development for any new business or professional, commercial, institutional or industrial purposes shall contribute to the fund an amount of $200 per employee. This fee may be revised, from time to time, by resolution of the Board of Commissioners. The fee for nonresidential development shall be based on the following, and rounded up to next whole employee:

[1] Business and professional office use. One employee per 300 square feet of floor area for office space.

[2] Industrial use. One employee per 1,500 square feet of floor area for industrial purposes.

[3] Commercial and Institutional uses. One employee per 500 square feet of floor area for commercial or institutional use. Public uses and facilities owned and operated by political subdivisions, public libraries, and public school districts or entities are excluded from the requirement of this provision.

(c) The fees paid and contributed to the fund shall be paid upon approval of the subdivision or land development plan or any phase or section thereof. Payment of the required contribution shall be included as a condition of approval of such subdivision and land development plans.

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\(^{21}\) Editor’s Note: See Ch. 245, Zoning.
(5) The required recreation contribution to the fund will not be waived in the case of a developer who sets aside recreation land within a development without being required to do so by the governing body.

(6) The moneys in the fund shall be used exclusively by the Township for the purpose of acquiring and developing new recreation areas in the Township and of acquiring, installing and developing capital improvements in new or existing recreation areas in the Township. It is not intended that moneys from the fund be used to provide for the routine and necessary maintenance and upkeep of the Township’s recreation areas; such moneys are intended to be provided by and through the Township’s annual budget process. Authorization of expenditures from the fund shall be made by the governing body after taking into consideration the recommendations of the Township’s Park and Recreation Board. The governing body shall establish administrative procedures for the investment and disbursement of all moneys maintained in the fund.

(7) In the open space/recreation areas to be dedicated to the Township, the transfer of ownership of the land shall be afforded for dedication within one year from final approval and recording of the final subdivision or land development plan or prior to recording of the first phase if the subdivision or land development is developed in phases. Property provisions must be made for maintenance and preservation of the open space.

§ 220-5.16. Access requirements.

A. All subdivisions or land developments containing 20 or more lots or dwelling units or building(s) containing a total aggregate gross floor area of 15,000 square feet or greater shall be provided with at least two separate and distinct means of access to the subdivision or land development.

B. Access shall be provided through the location of two or more public or private streets, each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this chapter concerning design and construction.

C. Access for a land development may be provided through two or more access drives into the land development. Such access drives shall be separated by a distance of at least 150 feet and shall comply with all requirements of this chapter.

D. Emergency access drives may be provided in addition to the provisions herein, provided that:

   (1) The emergency access shall be improved with a stabilized surface so that emergency vehicles may safely traverse it and shall be indicated on the plans.

   (2) The emergency access shall be acceptable to the providers of emergency services within the Township and approved by the Township. Applicants proposing to provide emergency access shall submit evidence of such approval.
(3) The emergency access may be located so that access to the subdivision or land development is gained from a public street.

(4) The emergency access may be located so that access is gained from a private street or private drive. Applicants with plans indicating emergency access through an adjoining private street or drive shall provide evidence that the adjoining property owner has consented to said emergency access location and that the applicant has entered into an easement agreement with the adjoining property owner.

§ 220-5.17. Refuse collection stations.

A. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made, and indoor storage is not provided. Refuse collection stations shall comply with all applicable provisions of the Upper Allen Township Zoning Ordinance, as amended.22

B. Collection stations shall be located so as to separate adequately from habitable buildings to avoid being offensive, but at the same time to be convenient for both collectors and residents, and shall be screened and landscaped adequately, generally in accordance with § 220-5.13.B. of this chapter.

C. Collection stations shall be so constructed as to prevent the escape of refuse by wind, water or other natural elements and prevent animals, rodents, etc., from entering.

§ 220-5.18. Storm drainage and stormwater management.

Storm drainage and stormwater management facilities shall be provided in accordance with the prevailing Upper Allen Township Stormwater Management Ordinance.23


A. Parking areas, main entrances and exits which are open to the public shall be lighted to a minimum average of two footcandles and a maximum of six footcandles. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises and public rights-of-way. Lighting plans, including photometrics and all details, shall be included with all plans.

B. The Board of Commissioners may require lights along proposed streets and at key intersection locations, and along driveways and walkways, where deemed necessary for the safe movement of vehicles and pedestrians at night. Installation and maintenance of the lights shall be at the expense of the developer, association, property owner or other approved entity, and shall be noted on all final plan.

22 Editor’s Note: See Ch. 245, Zoning.
23 Editor’s Note: See Ch. 214, Stormwater Management.
C. All lighting shall be directed downward and inward to the site. Proposed canopy lights shall be fully recessed, and light fixtures within parking compounds shall be equipped with cutoff shields.

D. All light standards shall have a maximum twenty-five-foot height.

§ 220-5.20. Utilities.

A. Telephone, electric, TV cable and other such utilities shall be installed underground and shall be provided with easements to be dedicated for such utilities and in accordance with plans approved by the Board of Commissioners and the applicable utility company.

B. Lots which abut existing easements or public rights-of-way where aboveground utility lines have been previously installed may be supplied with electric and telephone service from those overhead lines, but service connections from the utilities’ overhead lines shall be installed underground.

C. Where road widening and other conditions resulting from subdivision and land development necessitate replacement or relocation of overhead utility lines, new facilities shall be installed underground. Costs of any relocation of public utilities shall be the responsibility of the developer.

D. Underground installation of the utility distribution and service lines shall meet the prevailing standards and practices of the company providing the service and shall be completed prior to street paving and gutter, curbing and sidewalk installation.

E. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of lines as follows:

   (1) Alignment and pole locations shall be carefully routed to avoid locations along horizons; and

   (2) Clearing swaths through wooded areas shall be avoided by selective cutting and a staggered alignment.

F. Underground utility notifications. In accordance with the provisions of PA Act 38, as amended, the applicant shall contact all applicable utilities and accurately determine and show the location and depths of all underground utilities within the boundaries of the tract proposed for development and in the vicinity of any proposed off-site improvement, prior to excavation.

§ 220-5.21. Other public sites.

In large-scale residential land developments of 25 or more lots or units, the dedication of sites for other appropriate public uses, such as but not limited to schools, libraries and public service
buildings, may be requested by the Board of Commissioners. Such areas or sites must be of a character, extent and location as to be clearly related to the local and neighborhood needs of the residents of the development. No land may be required for dedication which would primarily serve the needs of the Township as a whole as distinguished from the development or neighborhood.

§ 220-5.22. Floodplain area standards.

A. It is the purpose of this section to promote the public health, safety and general welfare and to minimize losses due to periodic inundation of certain areas of the Township of Upper Allen as designated as being inundated by the one-hundred-year flood (“regulatory flood”).

B. No subdivision plan or proposed subdivision plan shall be approved by the Board of Commissioners of the Township of Upper Allen in the areas within the one-hundred-year-flood boundary unless and until compliance with the following requirements, in addition to all the other requirements of this chapter, have been established.

   (1) The floodplain district shall be delineated on the preliminary and final subdivision or land development plan.

   (2) No alteration or relocation of a watercourse, except as part of an overall drainage basin plan, may be undertaken by a developer or subdivider. In the event of an overall drainage basin plan, the developer or subdivider shall provide that the flood-carrying capacity within the altered or relocated portion of the watercourse is maintained and shall be in accordance with the Upper Allen Township Zoning Ordinance, as amended.24

   (3) In addition to the setback requirements in this chapter and the Upper Allen Township Zoning Ordinance, setbacks shall clearly take into consideration and be placed beyond the floodway.

   (4) Any subdivision or land development for a riverine area shall further contain a statement indicating that the subdivision or land development has been planned in such a manner as to avoid exposure to mudslide or mudflow hazards.

   (5) All proposals of subdivision plans submitted hereafter are consistent with a need to minimize flood damage.

   (6) All public and private utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage.

   (7) Adequate drainage is provided to reduce exposure to flood hazards.

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24 Editor’s Note: See Ch. 245, Zoning.
ARTICLE VI

Mobile Home/Manufactured Home Park Regulations

§ 220-6.1. Purpose.

Upper Allen Township recognizes the importance of providing a variety of housing types, designs and layouts to meet the housing needs of its residents. In accordance with the requirements of Article V, §501 of the Pennsylvania Municipalities Planning Code, Act 247, as reenacted and amended, this Article VI is established to provide reasonable standards for the development of manufactured/mobile home parks which will be coordinated with the design and improvements requirements of this chapter, as a whole, and will encourage well-coordinated, convenient and safe environments for manufactured/mobile home residents.

§ 220-6.2. Plan requirements and processing procedure.

The plan requirements and processing for a manufactured/mobile home park as a land development shall be in accordance with the requirements of Article III of this chapter.

§ 220-6.3. Design standards and other requirements.

The arrangement and other design standards of streets, easements, blocks, lots, stormwater management, and erosion and sedimentation control shall be in accordance with the requirements of this chapter, except as otherwise specified in this article, and/or the Upper Township Zoning Ordinance, as amended.

A. Side location and design standards:

   (1) Layout of lots.

      (a) All manufactured/mobile home lots shall abut a street. Side lots laid out in rectangular blocks should be diagonal to the street at an angle no greater than $30^\circ$ from perpendicular. Front and rear lot lines in rectangular blocks shall be straight and continuous.

      (b) In cul-de-sac arrangements, the side lot lines shall be radial to the street lines.

   (2) Lot dimensions. The lot width shall not be less than 60 feet at the minimum required building setback line for interior lots. Lot areas shall be not less than 7,200 square feet. In addition, each manufactured/mobile home lot shall:

      (a) Be designed to fit dimensions of mobile or manufactured homes anticipated.

      (b) Provide for each manufactured/mobile home all public utilities, pads, hookups, appurtenant structures and other appendages.
(3) Corner lots. Corner lots for manufactured/mobile home use shall have the manufactured/mobile home situated to permit appropriate building setbacks from both streets and allow proper sight distance.

(4) Building setback lines.
   (a) Park boundary property line: 35 feet.

   (b) The minimum front, side and rear yard distance setbacks from the lot line shall be in accordance with the provisions contained in the Upper Allen Township Zoning Ordinance, as amended.

   (c) Accessory structures shall be permitted in the rear yard no closer than five feet from the rear or side lot lines of the manufactured/mobile home lot. Accessory structures shall not exceed 340 square feet and shall not exceed 12 feet in height.

(5) Buffer strips and screening. Screening shall be provided within a buffer area 10 feet in width along the entire perimeter of the manufactured/mobile home park in order to separate the manufactured/mobile home park from the adjacent land uses and roadways. Screening for the manufactured/mobile home park shall include one of the following screening options provide in Table VI-1.

Table VI-1
Buffer Strips and Screen Options for Manufactured/Mobile Home Parks

<table>
<thead>
<tr>
<th>Options</th>
<th>Minimum Tree Size</th>
<th>Maximum Spacing Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Option 1</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wall/fence, with a hedge</td>
<td>6 feet in height</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>6 feet in height</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Option 2</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A hedge, plus evergreen trees</td>
<td>6 feet in height</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>4 feet in height</td>
<td>10 feet on center</td>
</tr>
<tr>
<td><strong>Option 3</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Evergreen trees, plus deciduous trees</td>
<td>6 feet in height</td>
<td>6 inches on center</td>
</tr>
<tr>
<td></td>
<td>6 inches in height; 2 inches caliper</td>
<td>15 feet on center</td>
</tr>
</tbody>
</table>

B. Manufactured/mobile home park street system.

   (1) General requirements. A safe and convenient vehicular access shall be provided from abutting public streets or roads. Streets within the manufactured/mobile home park shall be privately owned.
(2) Location principles. The streets or roads in a manufactured/mobile home park shall be located and built with regard to:

   (a) Providing trafficways for convenient access to each manufactured/mobile home lot and other important facilities in the park.

   (b) Recognizing existing easements which are to be preserved.

   (c) Permitting connection to existing facilities where necessary for the proper functioning of drainage and utility systems.

(3) Circulation. The street system should provide convenient circulation by means of minor streets and properly located collector streets. The following standards should also be applied to manufactured/mobile home park street systems:

   (a) Closed ends of dead-end streets should be provided with a paved vehicular turning space having a minimum diameter of at least 80 feet to the outside paving edge.

   (b) Interior streets shall be laid out in a manner which will reduce or eliminate through use by through traffic.

   (c) The manufactured/mobile home park shall be provided with a minimum of two entrances for emergency access.

   (d) Where a manufactured/mobile home park abuts or contains an existing or proposed arterial street, the Board of Commissioners may require marginal access streets, reverse frontage with screen planting along the rear property line, or such other treatment as may be necessary to afford separation of through and local traffic.

(4) Extent of street improvements, general requirements. In addition to standards set forth in Article V of this chapter, the street improvements in manufactured/mobile home parks should conform to the following general design requirements:

   (a) Extend continuously from the existing improved street to provide access to each manufactured/mobile home lot and other facilities in the park.

   (b) Provide convenient circulation of vehicles.

(5) Street surfacing. Streets should be surfaced to the grades and dimensions shown on the street profile and cross-section plan submitted and approved with the final plan. The paving and wearing surfaces should be constructed according to the standards outlined in §220-5.2 of this chapter.
C. Blocks. The size and shape of blocks shall be determined with regard to:

   (1) Need for convenient access, automotive and pedestrian movement.

   (2) Providing desirable lot depths for interior walkways and easements for utilities to be located within the block.

   (3) Blocks shall not exceed a maximum length of 600 feet.

   (4) Pedestrian paths should be designed within blocks to permit convenient access to other areas of the manufactured/mobile home park.

D. Sidewalks. Sidewalks may be required where essential to assist circulation or pedestrian movement and safety to common or important facilities in the park. Sidewalks shall be constructed in accordance with this chapter.

E. Easements.

   (1) Easements shall be provided for all utilities not located in a street and for well-defined watercourses.

   (2) Utility, conservation, stormwater, drainage, pedestrian and other easements shall be provided in accordance with Article V of this chapter.

   (3) Easements shall be centered on the utility or watercourse alignment.

   (4) Where necessary for access to public or common lands, a pedestrian easement shall be provided with a width of no less than 10 feet. Additional width may be required by the Board of Commissioners, depending on the purpose and use of the easement.

F. Mailboxes. The owner shall provide and maintain a central location(s) for mailboxes for persons living within the park.

G. Off-street parking requirements:

   (1) Each mobile home/manufactured home shall have paved off-street parking areas. Parking shall be provided at a rate of at least two vehicular parking spaces for each mobile home/manufactured home lot.

   (2) Each such off-street parking space shall contain at least 200 square feet and shall be located on the lot it is intended to serve.

§ 220-6.4. Fuel supply and storage.
A. General. Natural gas, liquefied petroleum gas, and oil fuel systems provided for manufactured/mobile homes, service buildings or other structures, when installed, shall be maintained in conformity with the rules and regulations of any authority having jurisdiction over such systems and/or recommendations from any suppliers or manufacturers of such equipment or systems.

B. Natural gas systems:

   (1) Natural gas piping systems, when installed in mobile home/manufactured home parks, shall be maintained in conformity with accepted engineering practices.

   (2) Each manufactured/mobile home lot provided with gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

C. Liquefied petroleum gas (LPG) systems:

   (1) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.

   (2) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the manufactured/mobile home and shall be maintained in effective condition.

   (3) All LPG piping outside the manufactured/mobile homes shall be well supported and protected against mechanical injury. Undiluted LPG in liquid form shall not be conveyed through piping equipment and systems in manufactured/mobile homes.

   (4) Vessels of more than 12 and less than 60 U.S. gallons gross capacity may be installed on a manufactured/mobile home lot and shall be securely, but not permanently, fastened to prevent accidental overturning.

   (5) No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, manufactured/mobile home, or any other structure.

D. Fuel oil supply systems:

   (1) All piping from outside fuel storage tanks or cylinders to manufactured/mobile homes shall be securely, but not permanently, fastened in place.

   (2) All fuel oil supply systems provided for manufactured/mobile homes, service buildings and other structures shall have shutoff valves located within five inches of storage tanks.
(3) All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet from any manufactured/mobile home exit.

(4) Storage tanks located in areas subject to vehicular traffic shall be protected against physical damage.

§ 220-6.5. Solid waste disposal.

A. The applicant shall provide information to the Township regarding the treatment and disposal of solid waste and garbage related to the manufactured/mobile home.

B. All solid waste storage facilities shall be located in areas conveniently located to park residents and shall not be less than 50 feet from any manufactured/mobile home unit.

C. Collection stations shall be screened and landscaped adequately, generally in accordance with landscaping and screening section of this chapter.

D. Collection stations shall be so constructed as to prevent the escape of refuse by wind, water or other natural elements and prevent animals, rodents, etc., from entering.

§ 220-6.6. Park and recreation facilities.

A. General. All manufactured/mobile home park land development plans submitted after the effective date of this chapter shall provide for suitable and adequate recreation for children and residents of the mobile home/manufactured home park in order to: 1) ensure adequate recreational areas and facilities to serve the future residents of the Township; 2) reduce increasing usage pressure on existing recreational facilities and areas; and 3) ensure that all present and future residents have an opportunity to engage in many and varied recreational pursuits.

B. Exemptions and requirements. The following are exempt or partially exempt from the provisions of this article:

Any manufactured/mobile home park for which a preliminary or final plan has been submitted prior to the effective date of this chapter which is ultimately approved and development is substantially completed within five years of approval.

C. Required play space area.

(1) The amount of land required to be designated and provided for recreational purposes for manufactured/mobile home parks shall be 5,000 square feet for manufactured/mobile home parks with 10 or fewer lots, and an additional 500 square feet of play space shall be provided for each additional manufactured/mobile home lot.
(2) A maximum of 25% of the total land area required by this chapter section may consist of floodplain areas.

(3) Such land set aside shall be suitable to serve the purpose of active and/or passive recreation by reason of its size, shape, location and topography and shall be subject to the approval of the Board of Commissioners.

D. Recreation area location criteria. The Board of Commissioners shall consider the following criteria in determining whether to approve the proposed location of recreation areas in the applicant’s subdivision or land development plans.

(1) Sites should be easily and safely accessible from all areas of the manufactured/mobile home park, have good ingress and egress and have access to the park road system.

(2) Site or sites should have suitable topography and soil conditions for use and development as a recreation area.

(3) When designing and developing these recreational areas, it shall be done according to the standards established by the National Recreation and Parks Association.

(4) Site or sites should, to the greatest extent practical, be easily accessible to essential utilities such as water, sewer and electric.

(5) Site or sites should meet minimum size requirements for useable acreage with respect to the National Recreation and Parks Association standards, with 75% of such area having a maximum slope of 7%.

E. Fee in lieu of private reservation of recreation land.

(1) In a case where the applicant does not wish to provide play space or recreation areas within the manufactured/mobile home park, and where the Board of Commissioners determines that because of shape, size, location, access, topography or other physical features of the land that it is impractical to set aside a recreation area as required by this article, the Board of Commissioners shall require a payment of a fee in lieu of required private reservation of such land, which shall be payable to the Township prior to approval of each final section of the overall plan. Such fee shall be calculated by multiplying the number of manufactured/mobile home lots in the park by the fee per dwelling unit. The amount of the fee shall be set aside by resolution by the Board of Commissioners and shall bear a reasonable relationship to the use of the public park and recreational facilities by future inhabitants of the manufactured/mobile home park.

(2) A fee authorized under this section shall, upon its receipt by the Township, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable
portions of the cost to construct the specific recreation facilities for which the funds were allocated.

§ 220-6.7. Improvements and construction requirements.

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

A. Streetlights. Street or on-site lights shall be provided to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night. Their type and location shall be in conformance with the Upper Allen Township Zoning Ordinance and shall be shown on the lighting plan submitted with the final subdivision or land development plan. Installation and maintenance of the lights shall be the responsibility of the developer, permittee of the manufactured/mobile home park, or other approved entity, and shall be noted on the final plan.

B. Underground utilities. Electric, telephone, and all other utilities shall be installed underground.

C. Tie-downs. Tie downs to prevent the movement of the manufactured/mobile home by natural causes (wind, water, etc.) shall be provided for each manufactured/mobile home.

D. Enclosure. An enclosure of compatible design and material shall be erected around the entire base of each manufactured/mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

§ 220-6.8. Fees and permits.

A. Fees. At the time of filing the preliminary or final subdivision or land development plan for a manufactured/mobile home park, the applicant shall be required to pay to the Township fees in accordance with the requirements of Article VII of this chapter.

B. Permits. Any person intending to develop a tract of land as a manufactured/mobile home park shall secure a permit from the Township of Upper Allen for each such park issued in accordance with the following requirements:

   (1) Such permit shall be issued by the Upper Allen Township Officer, upon proper application and submission of evidence of compliance with the provisions of this chapter and all other applicable legal requirements and upon payment of a fee provided herein.

   (2) Each permit shall be valid for one year from the date of issue.

   (3) Each application for a permit shall be accompanied by a fee, payable to the Township for each manufactured/mobile home placed upon a manufactured/mobile home lot in the manufactured/mobile home park. The permit shall constitute the license fee for the first year commencing with the date of notice of approval of the application. The fee
shall be charged upon the placement of the specific manufactured/mobile home on a manufactured/mobile home lot, said fee shall be chargeable whenever a mobile home is moved upon a lot and for every change in manufactured/mobile homes on any particular lot; said fee shall be set according to the provisions of Article VII of this chapter.

(4) The first applicant for a permit for a manufactured/mobile home park proposed for development following the effective date of this chapter shall be made to the Upper Allen Township Zoning Officer on a form provided by him/her and shall be submitted together with copies of the following:

(a) A copy of the approved final manufactured/mobile home park plan signed by the proper officials.

(b) A receipt signed by the recorder of deeds, showing that the manufactured/mobile home park plan has been publicly recorded.

(c) A permit issued by the Pennsylvania Department of Environmental Protection (PA DEP), as required by Chapter 179, Title 28, Rules and Regulations, Mobile Home Park, 25 Pa. Code § 179.1 et seq.

(d) Payment of annual license fee as required in Subsection B.(3) hereof.

C. Application for the annual renewal of a license shall be made by the holder of the license to the Upper Allen Township Zoning Officer on a form provided by him/her within 14 days preceding expiration of the preceding license period shall be accompanied by a fee as required in § 220-6.8.B.(3) and by any changes since the preceding license was issued. The Upper Allen Township Zoning Officer shall inspect each manufactured/mobile home park prior to the issuance of a license for conformance with the provisions of this chapter and all applicable legal requirements.

D. It shall be incumbent upon the proprietor of the manufactured/mobile home park to keep a register and to report therein the name of the person or head of family occupying each said manufactured/mobile home, showing date of entry on said land, license number of automobile, serial number, and make and size of manufactured/mobile home, the last permanent address of the person or head of family using said manufactured/mobile home park.

E. Said register and manufactured/mobile home park shall be subject to inspection by the Upper Allen Township Zoning Officer annually or upon request of the Board of Commissioners.


A. Manufactured/mobile home park areas shall be kept free of litter, rubbish and other flammable materials.
B. Portable fire extinguishers of a type approved by the Township Fire Chief shall be kept in public service buildings under park control.

C. Fire hydrants.

   (1) Fire hydrants shall be installed in accordance with national standards and in no case less than the following:

   (a) The water supply source shall permit the operation of a minimum of two one-and-one-half-inch hose streams.

   (b) Each of two nozzles held four feet above the ground shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest point of the park.

   (2) Fire hydrants, if provided, shall be spaced within the manufactured/mobile park so that any manufactured/mobile home, service building or other structure in the park will be no more than 600 feet from a hydrant.

   (3) Fire hydrant adapters shall be five-inch Storz Hydrant Adapter.

§ 220-6.10. Responsibilities of park management.

A. The person to whom a permit for a manufactured/mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The park management shall supervise the placement of each manufactured/mobile home on its manufactured/mobile home stand, which includes securing its stability and installing all utility connections.

C. The park management shall give the Zoning Officer free access to all manufactured/mobile home lots, service buildings and other community service facilities for the purpose of inspection.

D. The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

E. The management shall notify the local Pennsylvania Department of Health immediately of any suspected communicable of contagious disease within the park.

§ 220-6.11. Inspection of manufactured/mobile home parks.

The Township of Upper Allen is hereby authorized to make such inspections as are necessary to determine satisfactory compliance with this chapter and regulations issued hereunder.
A. The Township shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions related to the enforcement of this chapter and regulations issued hereunder.

B. The Township shall have the power to inspect the register containing a record of all residents of the manufactured/mobile home park and all manufactured/mobile homeowners leasing land in the park.

C. It shall be the duty of the owner(s) of the manufactured/mobile home park to give the Township access to such premises at reasonable times for the purpose of this inspection.


A. Whenever the Township determines there are reasonable grounds to believe there has been a violation of any provision of this chapter or regulations issued hereunder, notice shall be given of such alleged violation to the person to whom the permit of license was issued, as hereafter provided. Such notice shall:

(1) Be in writing;

(2) Include a statement for the reasons for its issuance;

(3) Allow a reasonable time for the performance of any act it requires;

(4) Be served upon the owner or his agent, as the case may require; provided, however, that such notice or orders shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by certified mail to his last known address, or when he has been served by such notice by any method authorized or required by the laws of the Commonwealth of Pennsylvania.

(5) Contain an outline of remedial action which, if taken, will affect compliance with the provisions of this chapter and regulations issued hereunder.

B. An person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter or regulation issued hereunder may request a hearing on the matter before the Board of Commissioners, provided that such a person file in the office of the Township a written petition requesting such hearing and setting forth a brief statement of the grounds within 10 calendar days after the notice was served, and pay the applicable hearing fees.

(1) The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under Subsection E. Upon receipt of such petition and applicable fees, the Board of Commissioners shall set a time and place for such hearing and shall give the petition written notice thereof. At such hearing, the
petition shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn.

(2) The hearing shall be commenced not later than 10 calendar day after the day on which the petition was filed and applicable hearing fees were submitted; provided that, upon application of the petitioner, the Board of Commissioners may postpone the date of the hearing for a reasonable time beyond such ten-calendar-day period when, in its judgment, the petitioner has submitted good and sufficient reasons for such postponement.

(3) The hearing fees shall be payable to the Township and until all applicable fees, charges, and expenses have been paid in full, the application shall be considered incomplete and no action shall be taken on any application or appeal. Fees shall be set from time to time by resolution of the Board of Commissioners.

C. After such hearing, the Board of Commissioners shall make findings as to compliance with the provisions of this chapter and regulations issued hereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice, which shall be served as provided in Subsection A(4). Upon failure to comply with any order sustaining or modifying a notice, the license of the manufactured/mobile home park affected by the order shall be revoked.

D. The proceedings at such hearing, including the findings and decision of the Board of Commissioners, 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 Board of Commissioners. Any person aggrieved by the decision of the Board of Commissioners may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Pennsylvania.

E. Whenever the Township finds than an emergency exists which requires immediate action to protect the public, it may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as it may deem necessary to meet the emergency, including the suspension of the license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately but, upon a petition to the Board of Commissioners, the petitioner shall be afforded a hearing as soon as possible. The provisions of Subsections C and D shall apply to such hearing and the order issued thereafter.


Whenever upon inspection of any manufactured/mobile home park it is determined that conditions or practices exist which are in violation of any provision of this chapter, or any regulations adopted pursuant thereto, the Board of Commissioners shall give notice in writing to the person to whom the permit was issued, such notice to consist of a listing of the violated sections of this chapter, and shall advise them that, unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate will be suspended. At the end of such period, such manufactured/mobile home parks shall be reinspected and, if such conditions or practices have not
been corrected, the Board of Commissioners shall suspend the permit and give notice in writing of such suspension, by certified mail, to the person to whom the permit is issued.


A. It shall be the responsibility of the manufactured/mobile home park owner to notify the Township when a privately owned manufactured/mobile home is placed in the manufactured/mobile home park. The notification of placement shall be forwarded to the Township Zoning Officer within 30 calendar days of the placement of the manufactured/mobile home.

B. It shall be the responsibility of the manufactured/mobile home owner to supply the Upper Allen Township Tax Collector with a status of occupancy report for new and vacated manufactured/mobile homes placed or leased within the manufactured/mobile home park. The status of occupancy report shall be provided within 10 calendar days of the new tenant occupancy.

C. It shall be unlawful for the owner, tenant or custodian of a manufactured/mobile home to remove or attempt to remove from Upper Allen Township a manufactured/mobile home without first obtaining a removal permit from the Upper Allen Township Tax Collector. A removal permit shall be granted upon payment of a removal fee, established by resolution, and submission of the following information:

   (1) The street address of the manufactured/mobile home.

   (2) Names of owners and of the occupants of the manufactured/mobile home.

   (3) Evidence of payment of all taxes duly assessed by the Township, the County of Cumberland and the school district.

   (4) A penalty fee, established by resolution, shall be applied to those individuals moving without obtaining a removal permit.
ARTICLE VII
Administration

§ 220-7.1. Enforcement.

It shall be the duty of the Board of Commissioners or a duly appointed officer to enforce the provisions of this chapter. The duly appointed officer shall require that the application for a building permit contain all information necessary to enable him/her to ascertain whether the proposed building, alteration or use is located in an approved subdivision or land development. No building permit shall be issued until the duly appointed officer has certified that the site for the proposed building, alteration, or use complies with all the provisions of this chapter and conforms to the site description as indicated on the approval and recorded final plan.

A. Time limitations and ordinance changes.

(1) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant’s acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.

(2) 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 the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

(3) 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 Commissioners, no change in Township 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 the zoning classification or density, lot, building, street or utility location.

(4) In the case of a preliminary plan calling for the installation of improvements beyond a five-year period, a schedule shall be filed by the landowner with the preliminary plans 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 Commissioners in its discretion.
(5) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of the dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body, 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 protection shall apply for an additional term or terms of three years from the date of final plan approval for each section.

§ 220-7.2. Modifications, deferrals and waivers.

The provisions of this chapter are intended as minimum standards for the protection of the public health, safety and welfare of the citizens of the Township. The Township Planning Commission shall have the right to recommend to the Board of Commissioners modifications, deferrals and waivers to the regulations in the individual cases as may be necessary in the public interest; provided, however, that such variations shall not have the effect of nullifying the intent and purpose of these regulations. The list of suggested modifications, deferrals and waivers, and the specific reasons for such change shall be entered in the minutes of the Planning Commission and a copy of this entry shall be transmitted to the Board of Commissioners together with the approved plans for review and approval by the Board of Commissioners. The Board of Commissioners may then alter any subdivision or land development plans and specify changes or modifications therein which it deems necessary and may make its approvals subject to such alterations, changes or modifications. Upon approval by the Board of Commissioners, said modifications, deferrals and waivers shall be clearly defined and entered on the final plan and signed by the Chairman of the Board of Commissioners.

§ 220-7.3. Fees.

A. Sketch, preliminary and final plats. At the time of filing a sketch plan, preliminary or final subdivision or land development plan, the applicant shall deliver to the municipality a check payable to the municipality in an amount as set by resolution of the governing body. Said amount shall be used by the municipality to cover the costs of processing the plans, including engineering review costs, legal review costs (if necessary), administrative costs and other costs. If said amount is not sufficient to cover such costs, the applicant shall furnish additional amounts, from time to time, when called upon to do so. All amounts so furnished shall be held by the municipality in escrow until the plat has been fully processed. No plan shall be finally approved until all costs of processing the plan have been paid by the applicant.

B. Construction of improvements. Upon approval by the governing body of a final plan, the applicant, in addition to all bonds or other security required, shall deliver to the municipality a check payable to the municipality in an amount determined by resolution of the governing
body. Said amount shall be used by the municipality to cover the costs of assuring the proper construction and completion of said improvements, including inspection during installation, inspection upon completion, administrative costs, costs to update municipal records, and other related costs. If said amount is not sufficient to cover such costs, the applicant shall furnish additional amounts, from time to time, when called upon to do so. All amounts so furnished shall be held by the municipality in escrow until all improvements have been completed. No lot shall be sold and no permit to erect, alter or repair any building shall be issued with respect to the land included in said final plan until all costs of assuring the proper construction and completion of improvements have been paid.

C. Escrow accounts. Deposits shall be credited to each escrow account as they are made, and costs shall be charged against each escrow account as they are incurred. The applicant shall be furnished with the details thereof upon request. A minimum charge for administrative costs, as set by resolution of the governing body, shall be charged against each escrow account. At such time as the escrow account may be terminated, any excess amount remaining therein after all costs have been paid shall be refunded to the applicant.

§ 220-7.4. Township standards.

All permitted improvements, as approved in any subdivision or land development shall comply with the requirements of the Township’s Standard Construction and Material Specifications, latest edition, and may be amended from time to time by resolution of the Board of Commissioners.

§ 220-7.5. Township and Municipal Authority exemption.

This chapter shall not apply to any signs, properties, uses or structures owned by Upper Allen Township or by a municipal authority created solely by Upper Allen Township for uses and structures that are intended for a public utility, stormwater, public works, recycling, municipal administrative, public recreation or public health and safety purposes.

§ 220-7.6. Penalties.

A. No lot in a subdivision shall be sold, rented, leased or conveyed in any manner; no permit to erect, alter or repair any building upon land in a subdivision or land development shall be issued; and no building shall be erected in a subdivision or land development until a final plan of such subdivision or land development has been approved and properly recorded and until improvements have been either constructed or guaranteed.

B. Any person, partnership or corporation who shall subdivide any lot, tract, or parcel of land; layout, construct, open or dedicate any street, sanitary sewer, storm sewer or water mains for public use or travel or for the common use of occupants of buildings abutting thereon; sell, rent, lease or convey in any manner any lot; or erect any building in a subdivision without first having complied with the provisions of this chapter shall be guilty of a misdemeanor.
C. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgement of not more than $500 plus all court costs, including reasonable attorney’s fees incurred by the Township as a result thereof. No judgment shall commute or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation; in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.

D. The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

E. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

§ 220-7.7. Appeals.


All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.


If any section, clause, provision, or portion of this chapter shall be held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this chapter.