

Penn Township

Snyder County, Pennsylvania

SUBDIVISION LAND DEVELOPMENT ORDINANCE

2005-02

Adopted: December 20, 2005
Effective: December 26, 2005
Amended: Ordinance No. 2007-03 (7/17/07)
Amended: Section 105 Definitions (4/2014)

Table of Contents

ARTICLE I		
General Provisions and Definitions		
Section 101	Title.....	5
Section 102	Purpose.....	5
Section 103	Authority and Jurisdiction.....	5
Section 104	Application.....	5
Section 105	Definitions.....	5
ARTICLE II		
Plan Submission Procedures		
Section 201	General.....	16
Section 202	Sketch Plan.....	16
Section 203	Preliminary and Final Plan Procedures.....	16
Section 204	Fee Schedule.....	17
Section 205	Approval of Plats.....	17
Section 206	Completion of improvements or Guarantee thereof Prerequisite to Final Plan Approval.....	18
Section 207	Recording of Final Plan.....	18
ARTICLE III		
Plan Requirements		
Section 301	Sketch plan Requirements.....	21
Section 302	Preliminary Plan Requirements.....	21
Section 303	Final Plan Requirements.....	23
ARTICLE IV		
Design Standards		
Section 401	Application and General Standards.....	25
Section 402	Roads.....	25
Section 403	Driveways.....	28
Section 404	Lots.....	28
Section 405	Easements.....	28
Section 406	Public Facilities and Common Open Spaces....	29
Section 407	Sewage Disposal Facilities.....	29
Section 408	Water Supply and Water Facilities.....	30
Section 409	Stormwater Management.....	31
Section 410	Floodplain Provisions.....	31
Section 411	Stream Corridors and Sinkholes.....	31
Section 412	Steep Slopes.....	32
Section 413	Landscape Requirements.....	33
413.1	Definitions	
413.2	Conservation of Existing Vegetation	
413.3	Landscape Buffer Yard	
413.4	Street Trees	
ARTICLE V		
Improvements Standards and Procedures		
Section 501	General Requirements.....	36
Section 502	Improvement Guarantee.....	36
Section 503	Release from Improvement Guarantee.....	37

Section 504	Dedication of Improvements.....	38
Section 505	Required Improvements.....	38
Section 506	As-Built Drawings.....	39

ARTICLE IV Specialized Land Developments

Section 601	General.....	40
Section 602	Innovative Design.....	40
Section 603	Commercial and industrial Development.....	40
Section 604	Development Adjacent to Agricultural Land....	40
Section 605	Campground and Travel Trailer Park (Seasonal).....	41
Section 606	Multi-Family Dwelling.....	41

ARTICLE VII Mobile Home Park

.....	42
-------	----

ARTICLE VIII Exemptions and Waiver

Section 801	General.....	44
Section 802	Waiver.....	44
Section 803	Procedure for Waiver.....	44

ARTICLE IX Amendment and Severability

Section 901	Authority to Amend.....	45
Section 902	Procedure to Amend.....	45
Section 903	Severability.....	45

ARTICLE X Enforcement, Penalties and Appeals

Section 1001	Enforcement.....	46
Section 1002	Penalties.....	46
Section 1003	Injunction.....	46
Section 1004	Preventive Remedies.....	47
Section 1005	Appeals.....	47

ARTICLE XI Adoption

.....	48
-------	----

ARTICLE I GENERAL PROVISIONS and DEFINITIONS

SECTION 101 TITLE

This Ordinance shall be known and may be cited as the "Penn Township Subdivision and Land Development Ordinance."

SECTION 102 PURPOSE

This Ordinance has been adopted by the Penn Township Board of Supervisors to create conditions favorable to the health, safety and general welfare of the citizens of the Township. In enacting these regulations, the Township Supervisors propose to accomplish the following objectives:

- A. To have equitable handling of all subdivision plans by providing uniform procedures and standards.
- B. To assure compatibility of subdivision plans with the Township Comprehensive Plan and related municipal policies.
- C. To assure the areas of natural value and sensitive or fragile character shall be protected from adverse effects of development.
- D. To promote development practices that will safeguard local water resources.
- E. To facilitate the safe and efficient movement of people and goods.
- F. To provide for harmonious development of the Township.

SECTION 103 AUTHORITY AND JURISDICTION

The Penn Township Supervisors are vested by law with the regulation of subdivision and land development located within the Township by Article V of the Pennsylvania Municipalities Code (Act 170 of 1988), as amended.

SECTION 104 APPLICATION

This Ordinance shall apply to every subdivision and land development within Penn Township.

SECTION 105 DEFINITIONS

For the purpose of this ordinance, certain terms and words shall be interpreted as follows:

- 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 an individual, partnership or corporation.
- E. The term "shall" or "must" is always mandatory.

Accessory Building

A building subordinate to (attached or detached) from the main building on the same lot and used for purposes customarily incidental to the main building.

Accessory Use

A use located on the same lot with a principal use, incidental and subordinate to the principal use.

Alterations

Any change or rearrangement in the construction or use, or an enlargement of a building, whether horizontally or vertically, or the moving from one location or position to another.

Aquifer

A geologic formation that contains a usable supply of water.

Aquifer Recharge Area

The outcropping part of the aquifer through which water enters the aquifer.

Basement

A story of a structure that has its floor at least three (3) feet below average ground level surrounding the structure and which is not used for business dwelling purposes. A basement shall not be considered in determining the required number of stories.

Board

The body granted jurisdiction hereunder to render a final decision, and being, as appropriate, the Zoning Hearing Board or Board of Supervisors of Penn Township, Snyder County, Pennsylvania.

Buffer Yard

An area at the side property line(s), consisting of existing natural vegetation or created by the planting of trees and/or shrubs for the purpose of separating one land use from another. Unlike screening, a buffer yard provides intermittent visual obstruction and may have an informal natural appearance.

Buildings and Related Terms –

- A. **Building:** Any structure on a lot having a roof supported by columns or walls and intended for the shelter, housing enclosure and storage of persons, animals or property.
- B. **Building Area:** The total area on a horizontal plane at the main grade level of the principal building.
- C. **Building Coverage:** That portion of a lot covered by any and all buildings including accessory buildings.
- D. **Building Envelope:** An area of a lot enclosed by the front, rear, and side yard setback lines.
- E. **Building, Detached:** A building surrounded by open space on the same lot and unconnected to any other building.
- F. **Building Height:** The height of a building measured from the mean level of the ground surrounding the building to a point midway between the highest and the lowest points of the roof; provided that chimneys, spires, towers, elevator penthouses, tanks and similar projections shall not be included in calculating the height.

Campground

A parcel of land upon which two or more campsites are located, intended and maintained for transient uses in recreational vehicles or tents.

Commercial

A business owned, operated and supported by private individuals or a corporation, on a for-profit basis for the use or benefit of the public.

Commission, Planning

The Planning Commission of Penn Township, Snyder County, Pennsylvania.

Common Open Space

A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, parking, and public facilities. Common open space shall be substantially free of structures, but may contain recreational improvements.

Comprehensive Plan

The Penn Township Comprehensive Plan of 2002, consisting of maps, charts and textual matter; officially recommended by the Planning Commission and adopted by the Board of Supervisors.

Conditional Use

A use permitted by the Board of Supervisors in accordance with specific standards following recommendation from the Planning Commission and a public hearing.

County

Snyder County, Pennsylvania.

Decision

A final adjudication of the Zoning Hearing Board or Board of Supervisors.

Density and Related Terms

- A. Density: A measure of the intensity of the use of a piece of land. It shall be expressed in housing units per acre, which is calculated by dividing the number of housing units by the net buildable site area. Also defined as the number of dwelling units per developable area.
- B. Low: Areas in which the density is equal to or less than one (1) dwelling unit per forty thousand (40,000) square feet of lot area.
- C. Medium: Areas in which the density is between ten thousand (10,000) and forty thousand (40,000) square feet lot area per dwelling unit.
- D. High: Areas in which the density is equal to or greater than one (1) dwelling unit per ten thousand (10,000) square feet of lot area.

Determination

A final action by an officer, body or agency charged with the administration of this Ordinance or application hereunder, except: (1) the Board of Supervisors; or (2) the Zoning Hearing Board.

Developer

A person, partnership, association, corporation or any responsible agent thereof that undertakes to create a subdivision of land or land development.

Development and Related Terms

- A. Development: The entire area encompassed by a land development or subdivision.
- B. Cluster Development: A group of single-family dwellings located in a designed subdivision having relatively smaller lot sizes than allowed in conventional development and common open space.
- C. Planned Residential Development: An area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, for which the development plan does not correspond (in lot size, type of dwelling, density, lot coverage and required open space) to the regulations established in any one residential district created by this ordinance.

District or Zone

A portion of Penn Township, as shown on the zoning map, containing a class of uses or structures and to which regulations described in the Zoning Ordinance text apply.

Dwelling and Related Terms

- A. Dwelling - Any building or portion thereof designed for or used for residential purposes.
- B. Dwelling Unit - One (1) or more rooms arranged for the use of one (1) Family or Household, with cooking, living, sanitary and sleeping facilities.
- C. Duplex - A freestanding building containing two (2) dwelling units for two (2) families, arranged either side-by-side or over-under.
- D. Mobile Home - See definition mobile home.

- E. **Multi-family** - A building used or designed as a residence for three (3) or more independent units.
- F. **Single Detached** - A freestanding dwelling having only one (1) dwelling unit, including a mobile home, meeting the minimum habitable floor area requirement.
- G. **Townhouse** - A multi-family dwelling. Each dwelling unit (except the end units) contains walls on two sides in common with the walls of adjoining dwelling units, constructed as party or lot line walls.

Excavation

An act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location along the natural surfaces of the ground or on top of the stripped surface.

Family or Household

Either (a) one (1) person occupying a dwelling unit and maintaining a household, including not more than five (5) unrelated boarders or roomers, or (b) two (2) or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a household, including not more than five (5) unrelated boarders or roomers, or (c) not more than five (5) unrelated persons occupying a dwelling unit who are living together and maintaining a common household.

Farmette or "Gentleman's Farm"

A parcel of primarily open space purchased by a person or family for the enjoyment of the rural countryside and who may raise field crops or animals for pleasure or incidental income.

Flexible Zoning

Zoning which permits uses of land and density of buildings and structures different from those which are allowed as of right within the zoning district in which the land is situated.

Flood and Related Terms

- A. **Flood**: A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, and other waters of this Commonwealth.
- B. **Floodplain**: Any land area susceptible to inundation by water from any natural source or delineated by applicable HUD Federal Insurance Administration Flood Hazard Boundary Map as being a special flood hazard area. This area includes both floodway and floodway fringe areas.
- C. **Floodplain Development**: Any man-made change to improved or unimproved real estate in the flood plain, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. **Flood Proofing**: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- E. **Floodway**: The channel of the watercourse and those portions of the adjoining floodplains that are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA.
- F. **Floodway Fringe**: The area between the floodway and the boundary of the 100-year or base flood.

Floor Area

As applied to a building or building part, the sum of the horizontal areas and its accessory buildings on the same lot, excluding basement floor areas not devoted to residential use. For determining parking and loading requirements, floor area shall mean the gross floor area intended to be used by tenants or for service to the public and shall not include areas used for non-public purposes such as storage.

Floor Area, Habitable

The sum of the horizontal areas of all rooms used for habitation such as living room, dining room, kitchen or bedroom.

Garage, Private

An accessory building for the storage of vehicles and/or other items, accessory and incidental to the primary use of the premises.

Grade, Finished

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

Hearing

An administrative public proceeding conducted by the Zoning Hearing Board or the Board of Supervisors pursuant to Article IX of the Municipalities Planning Code.

Industrial Park

A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services, setbacks, side yards, landscaped yards and covenants controlling the architecture and uses.

Industrial Use

Manufacturing, assembly or fabrication of any product.

Intermittent Stream

A stream that disappears and reappears. Or a stream that empties into a sinkhole or cavern. Or a stream bed that may be dry at times.

Junk

Junk shall include all scrap metals and alloys and bones, rags, cloth, rubber, rope, tinfoil, bottle, machinery, tools, appliances, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, vehicles, tires and all other manufactured goods that are worn, deteriorated or obsolete which makes them unusable in their existing condition and therefore subject to being dismantled. This definition is to be construed as including two (2) or more abandoned or unlicensed vehicles.

Junk Yard

Any lot, land or structure or part thereof, used for the collection, storage, and/or sales of junk or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and/or for the sale of parts thereof.

Land Development

Any of the following activities:

- A. The improvement of one or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 2. The division or allocation of land or space, whether initially or cumulatively between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The following shall be excluded from the definition of land development.

1. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building subject to the following provisions.
 - a. The size of the accessory building, including farm buildings, shall be no greater than fifty (50%) percent of the size of the original footprint of the principal building. Should the size of the accessory building, including farm buildings, exceed fifty (50%) percent of the size of the original footprint of the principal building, then the landowner shall submit a land development plan; and
 - b. The total sum of all accessory building(s), including farm buildings, shall never exceed fifty (50%) percent of the size of the original footprint of the principal building on the property. A landowner shall be required to submit a land development plan when the total sum of all accessory building(s), including farm buildings, exceeds fifty (50%) percent of the size of the original footprint of the principal building
3. Should either of the exceptions in (C)(1) or (C)(2) apply, the landowner shall adhere to all applicable zoning regulations, and the Stormwater Management Ordinance.
4. Should a landowner be able to prove that a proposed construction will have no impact on the storm water, driveways, parking, sewage, water, and other items set forth in this Ordinance, the landowner may submit a written request for waiver of the requirement to submit a land development plan pursuant to Sections 801, 802, and 803 herein.

Landowner

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

Limestone Geology

Carbonate geologic formations consisting of limestone and dolomite bedrock prone to dissolution and collapse resulting in sinkholes.

Loading Space and Loading Area

A space, accessible from a street or way, in a building or on a lot, for the temporary use of a vehicle, while loading or unloading people, merchandise or materials.

Lot and Related Terms

- A. **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.
- B. **Lot Area** - The total area within the lot lines, excluding any area within a street or private road right-of-way, but including the area of any easement.
- C. **Lot, Corner** - A lot at the junction of and abutting on two (2) or more intersecting streets or at the point of abrupt change of a single street, where the interior angle is less than one hundred thirty-five (135) degrees and the radius of the street line is less than one hundred (100) feet.
- D. **Lot, Coverage** - The percentage of the lot area covered by the area of all buildings and structures as viewed from the site plan and/or roof line, and shall include all appurtenances, such as decks, balconies, stairs, stoops, etc.
- E. **Lot, Depth** - The mean horizontal distance between the front and rear lot line. Measurements shall be from the street or highway right-of-way line to the opposite rear line.
- F. **Lot, Frontage** - That side of a lot abutting on a street and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.
- G. **Lot, Interior** - A lot other than a corner lot or through lot.
- H. **Lot Line** - A property boundary line of any lot held in single and separate ownership.

- I. **Lot of Record** - Any lot which individually, or a part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Snyder County, Pennsylvania.
- J. **Lot, Through** - An interior lot having frontage on two (2) parallel or approximately parallel streets or roads.
- K. **Lot, Width** - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) per cent of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty (80) percent requirement shall not apply.

Low Impact Development

Land development design that allows portions of the site to remain undisturbed, with natural vegetation, trees and woodland preserved. Low impact development is encouraged particularly in achieving sound stormwater management.

Manufactured Home

A factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length; or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a year-round dwelling with a permanent foundation and connected to the required utilities.

Mobile Home

A single-family, transportable, factory-built home used as a year-round dwelling and built prior to enactment of the HUD Code on June 15, 1976.

Mobile Home Lot

A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances for placement of a single mobile home.

Mobile Home Park

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

Non-conforming Lot

A lot the area or dimension of which was lawful prior to the adoption or amendment of this zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

Non-conforming Structure

A structure or part of a structure manifestly not designed to comply with the applicable use provisions in this zoning Ordinance or amendments heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendments or prior to the application of this Ordinance or amendments to its location by reason of annexation. Non-conforming structure includes non-conforming signs.

Non-conforming Use

A use, whether of land or of structure, which does not comply with the applicable use provisions of this Ordinance or amendments enacted hereto, where use was lawfully in existence prior to enactment of this Ordinance or amendments or prior to the application of this Ordinance or amendments to its location by reason of annexation.

Nuisance

Any use considered to be inconsistent with the public comfort, convenience, health, safety and general welfare, including the following: fire and explosive hazards, electrical and radioactive disturbances, noise and vibration, dust, dirt and fly ash, glass, smoke and odors, and other forms of air pollution.

Open Space

Land that is unoccupied by any building or structure that is used primarily for resources protection, agriculture or recreation.

Overlay District

Extra provisions placed upon environmentally sensitive lands or the easing of restrictions placed on land suitable for more intensive development. The overlay zone is an added feature to the normal zoning districts.

Parking Space

The space within a building, or on a lot or parking lot, designed for the parking of one (1) automobile.

Perennial Stream

A stream that has a continuous water flow and is usually never dry.

Plat

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

Premises

Any lot, parcel, or tract of land and any building constructed thereon.

Private

Something owned, operated, and supported by private individuals or a corporation, rather than by a government, and not available for public use.

Private Road

A right-of-way owned by private individuals or a corporation which provides vehicular access not intended for general public use.

Public

Owned, operated, or controlled by a government agency (Federal, State or Local) including a corporation created by law for the performance of certain specialized governmental functions.

Public Notice

Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the hearing.

Public Utilities

Essential services supplied by corporations, municipal departments or authorities under regulation of State, Federal or local government; such services may include gas, electricity, steam, fuel, water and sewage transmission, distribution or collection systems whether underground, on the surface, or overhead.

Report

Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purposes of assisting the recipient of such report in the rendering of any decision or determination.

Screening

The method by which a view of one site is hidden from an adjacent side or from a public road. Screening is an opaque material such as fencing, walls, or evergreen hedge. (See buffer yard for a related, but different concept)

Semi-Public

Something owned, operated and supported by private individuals or a corporation, on a non-profit basis for the use or benefit of the general public or for some part of the general public.

Special Exception

Permission or approval granted by the Zoning Hearing Board.

Street

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

Street Grade

The officially established grade of the street upon which a lot fronts or in its absence the established grade of 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 such midpoint shall be taken as the street grade.

Structural Alteration

Any change in the structural members of a building, such as walls, columns, beams and girders.

Structure

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

Subdivision

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

Substantial Improvement

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the fair market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored before the damage occurred.

Supervisors

The Board of Supervisors of Penn Township, Snyder County, Pennsylvania.

Terrace

A raised level or a platform of earth, supported on one or more faces by a wall, a bank of turf, or the like, or a series of raised levels or platforms arranged one above the other on a slope.

Transferable Development Rights

The attaching of development rights to specific lands which are desired by a municipality to be kept underdeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

Variance

Permission or approval granted by the Zoning Hearing Board, constituting a modification of, or deviation from the exact requirements of this Ordinance.

Yard and Related Terms

- A. **Yard** - The space between the lot line and building line.
- B. **Front Yard** - A yard extending the full width of the front of a lot between the front lot line and the front building line.
- C. **Rear Yard** - A yard extending the full width of the lot in the area between the rear lot line and the rear building line.
- D. **Side Yard** - A yard extending the full length of the lot in the area between a side lot line and a side building line.

Zoning Map

The map or maps containing the zoning districts of Penn Township, Snyder County, Pennsylvania, together with all amendments subsequently adopted.

Zoning Permit

The written authorization issued by the Township for the use of land, building or other structure.

ARTICLE II PLAN SUBMISSION PROCEDURES

SECTION 201 GENERAL

The responsibility for subdivision and land development within the Township shall be as follows:

- A. Approval by the Township Supervisors: The Penn Township Board of Supervisors, or "Governing Body," shall approve or disapprove all subdivision and land development plans.
- B. Review by the Township Planning Commission: The Penn Township Planning Commission shall review and evaluate subdivision and land development plans.
- C. Review of the County Planning Commission: Plans for subdivision and land development shall be submitted to the Snyder County Planning Commission for review and report prior to approval of the Preliminary Plan by the Township.

SECTION 202 SKETCH PLAN

The Township encourages the submission of a Sketch Plan for review prior to the formal filing of a Preliminary Plan. Sketch plans are intended for informal discussion between the subdivider and Township officials, and shall not constitute formal filing of a subdivision or land development plan.

SECTION 203 PRELIMINARY AND FINAL PLAN PROCEDURES

A. Filing

The applicant, at least ten (10) days prior to the meeting of the Planning Commission at which consideration is desired, shall file with the Township Secretary six (6) copies of a Preliminary Plan of the proposed layout of the Subdivision or Land Development. A plan shall be considered filed upon receipt by the Planning Commission of all required materials. Review procedures and time frames shall not commence until the Planning Commission Secretary deems the submission complete.

B. Distribution

- Two (2) copies to the Snyder County Planning Commission, plus County fee.
- One (1) copy to the Snyder County Conservation District.
- Three (3) copies to the Township Planning Commission.

C. Whenever copies of the submitted plan are to accompany DEP "Planning Module for Land Development," two (2) additional copies shall be submitted.

D. Upon receipt of a complete plan, the Planning Commission shall schedule the date, place and time for review of the plan and shall notify the applicant of the same in writing.

E. Any subdivision or land development shall require the submission of an approved sewage planning module along with the plan. Final approval is contingent on a sewage planning module approved in accordance with the Pennsylvania Sewage Facilities Act.

SECTION 204 FEE SCHEDULE

A. The fees for filing and review of subdivision plans pursuant to the provisions of this ordinance shall be as established from time to time by Resolution of the Board of Supervisors.

B. In cases where additional costs and professional fees may be reasonably and necessarily incurred by the Township in order to facilitate proper review of a plan, the applicant shall be notified of, billed and shall pay such additional costs and fees. In the event that the applicant shall dispute the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to Applicant's request over disputed fees. In the event that the parties cannot agree on the amount of review fees, the parties shall follow the following procedure for dispute resolution:

- C. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses, the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- D. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- E. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the 17th Judicial District (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
- F. The applicant shall pay the fee of the appointed professional engineer for determining the reasonable and necessary expenses if the amount of payment required by the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half the fee of the appointed professional engineer.

SECTION 205 APPROVAL OF PLATS

All applications for approval of a plat, whether preliminary or final, shall be acted upon by the governing body or the planning agency within such time limits as follows: The governing body or the planning agency shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, or as is further specified in the PA Municipalities Planning Code, Section 508.

1. The decision of the governing body or the planning agency shall be in writing and shall be communicated to the applicant personally or mailed to him not later than 15 days following the decision.
2. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the ordinance relied upon.
3. Failure of the governing body or agency to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
4. Changes in the ordinance shall affect plats as stated in the PA Municipalities Code, Section 508(4).
5. Before acting on any subdivision plat, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.
6. No plat that will require access to a state highway shall be finally approved unless the plat contains a notice that a highway occupancy permit has been issued.
7. The municipality may offer a mediation option as an aid in completing proceedings authorized by this section. In exercising such an option, the municipality and mediating parties shall meet the stipulations and follow the procedures set forth in Article IX of the PA Municipalities Code.

SECTION 206 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAT APPROVAL

No plat shall be finally approved unless all improvements have been completed or a financial guarantee has been provided by the developer to cover the costs of all incomplete improvements. See Article V of this Ordinance.

SECTION 207 RECORDING OF FINAL PLAN

- A. No plan shall be legally recorded unless and until it bears the endorsement of the Penn Township Supervisors.
- B. Upon notification of approval of the Final Plan, the applicant shall record one (1) copy of the approved plan in the office of the Snyder County Register and Recorder within ninety (90) days after approval of the Final Plan. Should the applicant fail to record the Final Plan within ninety (90) days, Township approval shall be null and void unless an extension of time is requested.
- C. The final plans shall be filed with the Snyder County Register and Recorder before proceeding with the sale of lots or construction of buildings.
- D. Recording of the plan shall not constitute grounds for tax reassessment until lots are sold or improvements installed.
- E. Recording the Final Plan shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the subdivider as hereinafter provided.
- F. Approval shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated streets, parks, areas or portion of same until actual appropriation of the same by ordinance or resolution, or by entry, use, or improvement.

ARTICLE III PLAN REQUIREMENTS

SECTION 301 SKETCH PLAN REQUIREMENTS

- A. The sketch plan, if applicable, shall include a map legibly drawn and containing the following:
1. Name of landowner, address, telephone number and date.
 2. Tract boundaries, north arrow and approximate scale.
 3. A location map.
 4. Natural features such as streams (whether perennial or intermittent), woodland and steep slopes.
 5. Identification of existing roads.
 6. Location of proposed access road(s), driveway(s) and lot layout(s).
- B. As applicable, the following additional description shall be provided with the sketch plan:
1. If streams are present, method of complying with Section 411 of this Ordinance.
 2. If slopes in excess of fifteen (15) percent are present, method of complying with Section 412 of this Ordinance.
 3. If located adjacent to the Agricultural Conservation District, or adjacent to any farm enrolled in the Ag Security Area, method of complying with the buffer yard requirements of Section 413 of this Ordinance.
 4. If more than one driveway is proposed onto a public road, a description of why driveways cannot be consolidated, See Section 403A.

SECTION 302 PRELIMINARY PLAN REQUIREMENTS

- A. A plan shall include a map of the land drawn to a scale of one-hundred (100) feet or less to the inch. The prints of the map shall be no smaller than eight and one-half (8.5) inches by eleven (11) inches, and no larger than thirty-six (36) inches by forty-two (42) inches.
- B. The Preliminary Plan shall show the following data:
1. Title block, containing the development name, owner name, date, north arrow, scale, and certification with seal by a registered professional land surveyor.
 2. Location map, showing the relation of the tract to adjoining properties, the road system and including an area extending one-half (.5) mile from the subdivision parcel boundaries.
 3. Tract boundary showing the location of the proposed development in relation to the entire tract and the names of owners of all adjoining property and of all abutting subdivisions.
 4. Existing natural features as follows:
 - Streams, whether perennial or intermittent.
 - Wetlands, springs and other water sources-located by survey.
 - 100-year floodplain boundary.
 - Slopes exceeding 8%.
 - Wooded areas.
 - Trees of 12" or greater caliber.
 5. Other existing features including:
 - Bridges and roads: A centerline survey with bearings and distances is necessary. The rights-of-way widths can be noted along with paved road widths.
 - Transmission lines, whether electric, gas, sewer, telephone, television cable, or water.
 - On-lot sewage disposal systems and/or water supply systems shall be sized and located by survey to and/or from any convenient boundary intersection.
 - Existing buildings and other man-made features.
 - Family burial grounds.

6. Contours at intervals of five (5) feet and elevation datum.
7. Existing and proposed lot lines shall be surveyed and shown on the Plan. All boundaries shall meet standards of closure allowing one (1) foot or less of error for each five thousand (5,000) feet of boundary. Lot number, on-lot sewage disposal permit number and lot area shall be shown for all lots.
8. Facilities and grounds to be dedicated to or reserved for the public.
9. Common open space areas, if any, that will be reserved for the occupants of the subdivision or development and will not be dedicated to the public.
10. Existing and proposed roads and easements shall be shown with bearings and distances. The right-of-way width shall be shown and dimensioned as required by Section 402.

C. The following shall be submitted with the Preliminary Plan:

1. Detailed drawings and specifications for:

- Each proposed road.
- Each proposed bridge.
- All proposed transmission lines.

2. A Stormwater Management Plan in accordance with the Penn Township Stormwater Management Ordinance, including supplemental standards set forth in Article IV.
3. A soil erosion control plan consistent with DEP regulations.
4. Evidence of compliance with Sections 407 and 408 regarding sewage and water facilities.
5. A Landscape Plan consistent with Section 413.
6. Provisions for compliance with the Township Floodplain Ordinance, if applicable.
7. Highway Occupancy Permit, where applicable.
8. An agreement, signed by the Township Supervisors and the applicant, stating that all required improvements have been installed in accordance with the provisions of this Ordinance, or that satisfactory security has been deposited with the Township.

D. The applicant shall have a period of five (5) years from the date of preliminary approval in which to submit a Final Plan. If the applicant fails to submit a Final Plan within five (5) years, the approval of the Preliminary Plan shall become null and void, unless an extension of time is requested by the subdivider in writing, along with a schedule for submission of the Final Plan, and is approved prior to the expiration date.

SECTION 303 FINAL PLAN

- A. The Preliminary Plan, when it is submitted as part of the review and approval process, may be considered as a Final Plan:
 1. Where site improvements are not proposed, or
 2. Where improvements have been installed in accordance with an approved Preliminary Plan.
 3. An acceptable performance assurance has been filed with the Township.
- B. The Final Plan shall conform in all respects with the approved Preliminary Plan. Otherwise the plan submitted shall be considered as a revised Preliminary Plan.
- C. The Final Plan may be submitted in sections, each concerning a portion of the entire subdivision or land development.
- D. The Final Plan shall show the same data as those required by Section 302.
- E. In addition, the following shall be submitted with the Final Plan:
 1. Corrected and updated material from the Preliminary Plan.

2. Review fee.
3. Copies of proposed deed restrictions, right-of-way use and maintenance agreements, and deeds proposing dedications of improvements to the Township.
4. Final cross-sections and centerline profiles for each street, and final designs of bridges and culverts.
5. Where appropriate, approval letters or permits issued by the Department of Environmental Resources or the Pennsylvania Public Utilities Commission for water supply systems, and final designs of such systems.
6. Documentation that the improvements shown on the plan are complete, or adequately bonded, as provided in Article V.
7. A notarized statement, signed by the landowner, duly acknowledged before an authorized officer to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded. This must be dated following the last change or revision to the Final Plan.

ARTICLE IV

DESIGN STANDARDS

SECTION 401 APPLICATION AND GENERAL STANDARDS

- A. The provisions of this Article are believed to be the minimum necessary to accomplish the purposes of this Ordinance in the maximum number of cases and all plans shall conform to such provisions to the extent applicable.
- B. Full compliance with the provisions of this Article may be waived by the Township Supervisors under Article VII, if, in the sole judgment of the Supervisors, the purposes of this Ordinance will not be frustrated.
- C. Land subject to hazards which affect life, health, or property, such as may arise from fire, floods, hazardous wastes, unstable or impermeable soils, or other causes, shall not be planned for subdivision or development unless such hazards have been eliminated or unless the subdivision plan shows safeguards that are satisfactory to the Township and any other appropriate regulatory agency.
- D. Development plans shall give due recognition to the Township Comprehensive Plan and shall fully comply with the Stormwater Management Ordinance.

SECTION 402 ROADS

- A. General Standards
 - 1. The proposed road system shall extend existing or recorded roads at no less than the same right-of-way and cartway widths.
 - 2. Where it is desirable to provide for road access to adjoining land, the Planning Commission may recommend and the Township Supervisors may require that road stubs be extended to the boundary line of such land.
 - 3. Private roads and accesses shall be allowed, provided the following conditions can be satisfied.
 - a. A private access road to serve four (4) one unit dwelling lots or less shall have a right-of-way width of at least twenty-five (25) feet.
 - b. A private access road to serve more than four (4) one unit dwelling lots shall have a right-of-way width of fifty (50) feet.
 - c. Private roads shall be so indicated on the map. A notation on the map shall indicate that either: (1) the applicant is responsible, or (2) the applicant has provided a legal arrangement for the future maintenance and improvement of such roads that will prevent them from becoming a burden to the Township.
 - d. Private roads shall be constructed by the applicant to the standards specified in the Township's Mud Free Road Ordinance No. 85-2.
 - 4. The Township's Mud Free Road Ordinance establishes minimum design, engineering and construction standards for roads, and the plan must show compliance with the provisions of that ordinance.
 - 5. Road base designs with grades and cross-sections and designs for subsurface drainage facilities and transmission lines shall be included in the plan.
 - 6. All roads shall be designed so as to provide for the discharge of surface water.
 - 7. A new partial road shall not be planned except where it is essential to a reasonable subdivision of a tract of land in compliance with other requirements and standards of this Ordinance and where, in addition, satisfactory security for the development of the remaining part of the road is given to the Township.
 - 8. The Township Supervisors reserve the right to determine and assign road names but will consider suggestions from the applicant.

B. Engineering Standards

1. Road Widths

- a. Except as specifically provided otherwise, road right-of-way and cartway widths shall be as follows:

Roads:

Right-of-Way	50 feet
Cartway	30 feet

Turn-Around of Cul-de-sac (diameter):

Right-of-Way	100 feet
Cartway	80 feet

- b. Additional road width (right-of-way, cartway, or both) may be required when determined to be necessary by the Township Supervisors where sufficient off-street parking is not provided.

2. Road Grades

- a. The maximum grade of any road shall not exceed ten (10) percent.
- b. The minimum centerline grades of roads shall be 0.75%.
- c. The minimum centerline grades on vertical curves shall conform to the local road design requirements of PennDOT.
- d. Sight distance must be provided for both horizontal and vertical alignment. Sight distance shall be measured along the centerline and shall conform to the criteria and requirements of PennDOT for the road classification and design speed.

3. Side Slopes Along Roads

The slopes of banks along roads, measured perpendicular to the road, shall be no steeper than the following:

- a. One (1) foot of vertical measurement for four (4) feet of horizontal measurement for fills.
- b. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

4. Intersections

- a. Intersections involving the junction of more than two (2) roads are prohibited.
- b. Roads shall intersect as nearly as possible at right angles. No road shall intersect another at an angle of less than seventy-five (75) degrees.
- c. Roads intersecting another road shall either intersect directly opposite each other, or shall be separated by at least one hundred fifty (150) feet between center lines.
- d. At the intersection of roads the radii of the cartways shall be not less than twenty-five (25) feet. Right-of-way lines at corner properties also shall have radii of at least twenty-five (25) feet.
- e. Clear sight triangles shall be provided at all intersections. No buildings or obstructions shall be permitted in the clear sight area. Clear sight triangles shall be measured at a height of four (4) feet above the center line from point of intersection to a point of the roadway at the following distances:

Intersection of two (2) roads: 100 feet

Intersection of road with
Township Road: 150 feet

- f. Where an intersection occurs between a proposed new road and a State Route, the plan shall include a permit from PennDOT for such intersections.

5. Curves

Where connecting road lines deflect from each other at any one point by more than five (5) degrees, the lines must be connected with a true, circular curve. The minimum radius of the centerline for the curve must be one hundred (100) feet. Straight portions of the road must be tangent to the beginning or end of curves and there must be a tangent of at least fifty (50) feet between reverse curves.

6. Cul-de-sacs and Dead-End Roads
 - a. Dead-end roads are prohibited unless design with cul-de-sacs, or designed for future access to an adjoining road.
 - b. Any road dead-ended for future access to adjoining land, or because of authorized stage development, shall be provided with a temporary, all weather, turn-around within the development. The use of such turn-around shall be guaranteed to the public until such time as the road is extended.
 - c. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with additional width provided along the boundary line to permit extension of the road at full width.
 - d. Where it will preserve the natural setting of the land and improve the development design, a cul-de-sac may be designed as a "T" If so designed, it shall measure one hundred (100) feet long across the bar, its right-of-way shall be fifty (50) feet wide and it shall be improved in a manner comparable to the road cartway.
 - e. Preferably, drainage of a cul-de-sac shall be toward the open end.

SECTION 403 DRIVEWAYS

A. Procedures

1. Any subdivision or land development proposing a new driveway accessing a State highway requires a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation (PennDOT) before construction can be initiated. Additionally, the subdivider must submit to the Township Planning Commission a copy of the PennDOT Permit prior to subdivision approval.
2. Any subdivision on land development proposing a new driveway accessing a Township road shall comply with Township Ordinance 88-2.

B. Number of Driveways/Access Points

1. Single-unit land development proposing more than one (1) access driveway shall require a Variance.
2. In multi-unit and non-residential development where more than one (1) access point is appropriate, the number shall be minimized by combining access points when possible. Sharing of access driveways is to be encouraged.
3. In multi-unit development, shared driveway access shall be encouraged.

C. Supplementary Standards

1. Driveway drainage shall conform to the Township Stormwater Management Ordinance.
2. Driveways proposed in the Village Center (VC) Zone may have a reduced dimension, if necessary, in order to be consistent with existing driveway scale in the village.

SECTION 404 LOTS

A. Layout of Lots

Side lot lines should be substantially at right angles or radial to road lines.

B. Minimum Lot Requirements

Minimum lot area, dimensions and setbacks for building shall conform to the Penn Township Zoning Ordinance.

SECTION 405 EASEMENTS

- A. When easements are required for utilities, the minimum width shall be as required by the utility companies and to the fullest extent possible, be centered on or be adjacent to rear or side lot lines or adjacent to the street right-of-way within the front yard. Local utility companies shall be consulted by the developer when locating easements.
- B. When easements are required for the purpose of stormwater discharge or maintenance, they shall be adequate for the purposes of the easement, but in no case less than twenty (20) feet in width.

SECTION 406 PUBLIC FACILITIES AND COMMON OPEN SPACE

- A. In reviewing development plans, the Planning Commission and the Township Supervisors will consider the adequacy and proposed public facilities and open space to serve the additional population implied by the plan, and may request the dedication or reservation of land for such facilities and grounds.
- B. For developments containing ten (10) or more lots, the Planning Commission or Township Supervisors may recommend the reservation of land for common and recreational areas.

SECTION 407 SEWAGE DISPOSAL FACILITIES

- A. Every development plan shall have provisions for the disposal of sewage.
- B. If public sewer service is readily available, the principal use on each lot will be required to connect to such service.
- C. If it is determined by the Planning Commission that adequate public sewer capacity is available and it may be possible to extend this service to the development, a feasibility study/cost analysis must be submitted with the plan to confirm the type of service (public or private) to be utilized by the development.
- D. If a plan is submitted that proposes a development of four (4) or more lots, a feasibility study/cost analysis must be submitted at the time of plan submission to examine the availability of public sewer, in the interest of public safety.
- E. The following requirements shall be shown on the development plan:
 - 1. If connection to a public sewer without extending or providing any new mains is proposed, the map shall show the location of the existing main and the existing and required easements for connection. There must be a statement in the plan, signed by the Penn Township Municipal Authority, verifying the acceptance of the proposed connection.
 - 2. If an extension of the public sewer system is proposed, the map shall be drawn to scale with lines, manholes, and cleanouts shown and their sizes noted. The line invert elevations at each manhole and cleanout, the proposed finished ground elevation, and datum to which they refer shall be noted on the map. All required easements shall be clearly shown and dimensioned on the map. There must be a statement in the plan, signed by Penn Township Municipal Authority, verifying the acceptance of the proposed extension.
 - 3. If individual sewage systems are proposed, the SEO shall conduct tests for the issuance of permits for every lot shown on the map. The location for the seepage area and septic tank for each lot shall be shown on the map with distances from any two (2) boundary lines intersections to any two (2) corners of the seepage area. The permit number for each lot shall be noted in the plan.
- F. For a proposed lot with existing on-lot sewage disposal, the map shall show the location of the existing system bearing and distances measured at ninety (90) degree angles from any two (2) existing boundary lines. If known, the size and type of system, the permit number and the year of installation shall be noted on the map. Location of any water well also shall be shown.
- G. A plan with a proposed community sewage system shall:
 - 1. Provide a DEP permit for the system.

2. Show the location of the system by surveyed bearings and distances from any convenient surveyed boundary intersection.
 3. Indicate the type and size of the disposal system required.
 4. Show all collection lines and any other lines between components of the system. All lines shall be shown by surveyed bearings and distances from a fixed point previously established by the survey.
 5. Include an operation and maintenance agreement where owned in common.
- H. A plan with a land use that would not require sewage disposal:
1. The intended land use must be disclosed in the plan with a statement that no sewage disposal will be necessary and a restriction against all uses generating sewage.
 2. An application for a waiver must accompany the plan.

Approval of a plan in which the use of an individual or a community sewage system is proposed shall not constitute or indicate approval of such system and in no way warrants that such system will operate effectively or in a manner that will serve the needs of the applicant or any owner or user of the system.

SECTION 408 WATER SUPPLY AND WATER FACILITIES

- A. If water is to be provided by means other than private well(s), applicant shall present evidence to the Supervisors that the Penn Township Municipal Authority shall supply water.
- B. Whenever an existing public or approved community water system is geographically and economically accessible to proposed development, an extension to that system, designed to furnish an adequate supply of water to each lot, with line sizes and fire hydrant locations adequate to meet the specifications of the Association of Fire Underwriters, shall be included in the plan, with a copy of the approval of such system by DEP and suitable agreements for the ownership, maintenance, operation and use of the system. A plan that includes construction, either of a new system or an extension of an existing system, shall show all sources of supply, distribution lines, shutoffs, service lines and fire hydrants. These shall be shown by survey with the sizes and depths noted on the map.
- C. Whenever an existing system is not accessible, particularly where individual sewage systems are planned, a community water supply shall be planned, if feasible, in which case all the items specified in Section 408A shall be included in the plan.
- D. Where individual on-site water supply systems are planned, each lot shall be of a size and shape to allow safe location of such a system, and no water well shall be planned within one hundred (100) feet of any part of a subsurface sewage disposal system.
- E. If public water service is readily available, the principal use on each lot shall be required to connect to such service.
- F. If it is determined by the Planning Commission that adequate public water service is available and it may be possible to extend this service to the development, a feasibility study/cost analysis must be submitted with the plan to confirm the type of service (public or private) to be utilized by the development.
- G. If a plan is submitted that proposes a development of four (4) or more lots, a feasibility study/cost analysis must be submitted at the time of plan submission to examine the availability of public water in the interest of public safety.

SECTION 409 STORMWATER MANAGEMENT

All land development shall meet the requirements of the Penn Township Stormwater Management Ordinance. The goal is that water runoff following development shall be no greater than it was prior to development. Particular attention should be given to incentives for reduced use of impervious cover and pavement.

SECTION 410 FLOODPLAIN PROVISIONS

- A. A prospective applicant should consult with the Township for a determination as to whether or not the proposed subdivision or development is located in a floodplain area.
- B. If any part of the proposed subdivision or development is located in a floodplain, the plan shall comply with the requirements of the Township's Floodplain Ordinance (No. 82-1).

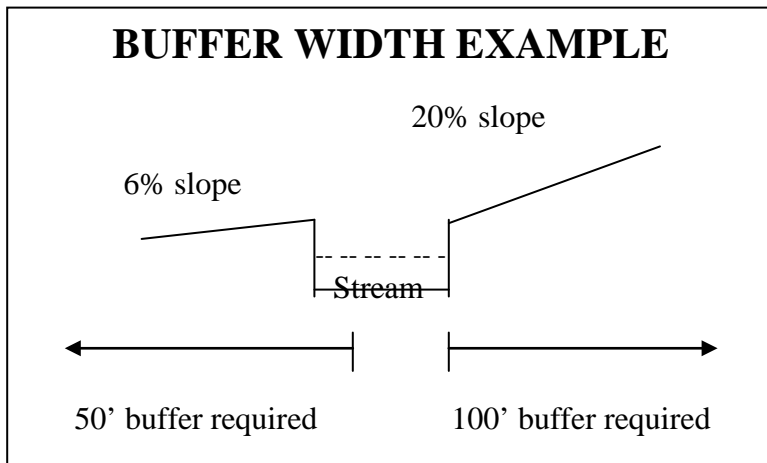
SECTION 411 STREAM CORRIDORS AND SINKHOLES

Land development that occurs adjacent to streams (whether perennial or intermittent) and/or sinkholes shall require an undisturbed buffer of vegetation along the stream or sinkhole. This shall include agriculture land use.

- A. The purpose of the buffer is to intercept runoff sediment and pollutants traveling overland before they reach the stream, and/or sinkhole, thereby protecting local water resources.
- B. The buffer width shall be a minimum of fifty (50) feet measured from the stream bank or sinkhole to the area of the proposed soil disturbance. This buffer shall apply to each side of the watercourse where soil disturbance is proposed. If the watercourse marks the project boundary, the buffer requirement shall apply to only one side of the stream.
- C. Where the subdivision or land development parcel has a slope in excess of eight (8) percent, the following buffer widths shall apply to each applicable side of the watercourse:

<u>% Slope</u>	<u>Buffer width</u>
0-8%	50'
9-15%	75'
16-25%	100'

- D. The slopes of a site may not be averaged over the gross acreage. Only the area within two hundred (200) feet of the watercourse shall be considered for the purpose of slope calculation.
- E. If the land on each side of the stream bank has different slope characteristics (as shown by the diagram) a different buffer width would be required on each side of the stream.



- F. The buffer shall consist of existing or new vegetation or a combination thereof, as in the following order of preference:
 - 3. Existing hedgerow, woodlot, brush and/or uncultivated pasture which are naturally occurring along the stream
 - 4. A combination of existing vegetation (such as above) and newly established vegetation.

5. A newly established area of trees, bushes and grasses, where no vegetation existed prior to development.
- G. Stream encroachment work or any development within fifty (50) feet of a stream bank or wetlands must obtain a permit from DER. The Applicant shall provide a copy of the required permit prior to Final Plan approval.

SECTION 412 STEEP SLOPES

The following standards shall apply to that portion of the land development that contains areas of fifteen (15%) percent or greater slope.

- A. Soils Report: A soils engineering report prepared by a professional with extensive expertise in soil geology and construction shall be submitted. The report shall include:
 1. The nature, types, distribution and stability of the surface and subsurface soils for load bearing, stability and compaction.
 2. Extent, description and location of exposed rock and bedrock.
 3. Erodability of surface soil.
 4. Depth of seasonal high water table.
- B. Construction Prohibition: All construction and improvements are prohibited in areas with a slope of twenty-five (25%) percent or greater.
- C. Setback: For areas of fifteen (15%) percent slope or greater, change in existing topography or grading may not occur within twenty-five (25) feet of any neighboring property.
- D. Design Information: A detailed description shall be provided for construction methods to attain the following:
 1. Protect and stabilize areas of high potential for soil erosion.
 2. Accommodate storm water runoff to the degree that the amount of runoff is no greater following development.
 3. Assure structural safety and minimize harm to the environment.
 4. Protect and preserve on-site and off-site natural wildlife habitat.
 5. Protect and preserve on-site and off-site water quality.
 6. Protect steep slopes on adjoining properties.

SECTION 413 LANDSCAPE REQUIREMENTS

All land developments shall have installed, maintained, and guaranteed plant materials. A landscape plan shall be submitted as part of the Preliminary Plan submission for all.

413.1 Definitions

- A. Caliper Tree: The diameter of the trunk of a tree measured four (4) feet (D.B.H.) above the ground level. (D.B.H. = Diameter at breast height)
- B. Canopy Tree: A tree whose leaves would occupy the upper level of a forest. Often referred to as shade trees.
- C. Dripline: The line marking the outer edges of the branches of the tree.
- E. Hedgerows: A line of plants that occurs naturally where seeds collect and are left undisturbed, such as along fence lines, property lines and fields, or that is specially planted to act as a wind break.
- F. Mature Tree: Any tree of six (6) inches or more in caliper, whether standing alone or in woodlands.
- G. Woodland: A stand of native trees or a pine plantation covering at least one-quarter (1/4) acre.

413.2 Conservation of Existing Vegetation

All land development shall be designed so as to minimize loss of mature trees, existing hedgerows and woodlands. The preservation of existing hedgerows and woodlands may be counted in lieu of the buffer yard requirements below, thereby reducing the amount of new plant material that would otherwise be required. The landscape plan shall include:

- A. A plan of existing vegetation to remain shall be prepared showing existing trees to be physically protected throughout the construction process. Prior to clearing or construction, a temporary physical barrier such as a snow fence shall be erected a minimum of one (1) foot beyond the drip line of woodlands and individual trees shown to remain. The barrier shall be placed to prevent disturbance to, or compaction of, soil inside the barrier and shall remain in place until construction is complete. The specific method of preserving existing vegetation shall be noted on the landscape plan.
- B. A plan of the existing vegetation to be lost due to the buildings, clearings, roads or grading shall be prepared. All mature trees over six (6) inches in caliper which are to be lost shall be listed by species and caliper. This list shall be a note in the plan.
- C. The developer shall be required to plant the identical number of trees to be removed either 1) elsewhere on this site, or 2) in Township parks in accordance with direction given by the Township Supervisors. All replacement trees shall be a minimum of two (2) inch caliper.
- D. In the event that mature trees identified for protection are removed or damaged by accident or by violation of the tree protection requirements, trees shall be replaced in accordance with the following formula:
 - a. Mature trees under sixteen (16) inches caliper shall be replaced with two caliper inches for every caliper inch removed. (Example: A twelve (12) inch tree is removed. Therefore, six (6) trees of two (2) inch caliper are required. $2 \times 6 = 12$)
 - b. Trees of more than sixteen (16) inches caliper shall be replaced with three (3) caliper inches for every caliper inch removed. (Example: An eighteen (18) inch caliper tree is removed. Therefore, six (6) trees of three (3) inch caliper are required. $3 \times 6 = 18$)
 - c. The replacement trees may be located on the development site, or off-site at the Township's direction.
 - d. The developer shall pay for the trees as well as the cost of installation and one-year guarantee.

413.3 Landscape Buffer Yard

Buffers are intended to soften awkward land use relationships by retaining or introducing trees. Buffer yards are required along side property lines of proposed development sites where different or incompatible land uses will exist side-by-side.

- A. Permitted uses in buffer yards are:
 - 1. Stormwater management (non-structural).
 - 2. Underground utilities.
 - 3. Pedestrian footpath or easement.
 - 4. Passive recreation or shaded play area.
- B. The buffer yard(s) shall be located along the side property line(s) within the development parcel.
- C. The width of the buffer yard shall be measured at the street frontage and the length of the buffer yard shall be the distance of the lot depth.
- D. Existing hedgerows and woodlots shall be preserved and may be applied toward the fulfillment of the required buffer yard. In this case, the developer may "add to" the hedgerow by planting native trees and shrubs similar to those existing in the hedgerow in order to "widen" the hedgerow to the required buffer size.
- E. Due to the Township's commitment to preservation of agriculture, any non-agricultural use in any zone proposed adjacent to an Agriculture Security Area or abutting the AC District shall require a wide buffer yard. (See next table.) The buffer yard could be designed as woodlot, orchard, pine plantation, or an enlarged hedgerow if one

exists. The width of the buffer yard to be located along the side and rear property line(s) shall be in accordance with the next table.

Table:

Required Buffer Yard Width Based Upon Compatibility of Adjacent Uses

Proposed Use:	Adjacent Use - Whether Existing Use or Vacant Parcel:			
	Residential	Multi-Family	Commercial	Agriculture
Residential Land Development EXCEPT multi-family, mobile home park	15 feet	30 feet	50 feet	100 feet
Multi-Family, mobile home park	30 feet	15 feet	75 feet	100 feet
Commercial, Industrial, Institutional	75 feet	75 feet	15 feet	100 feet

413.4 Street Trees

- A. Within any residential land development or Planned Residential Development (PRD), trees shall be planted along all streets except where the Township agrees that suitable street trees are already in place.
- B. One (1) street tree shall be planted at every fifty (50) feet of street frontage.
- C. Trees shall be nursery grown stock with a minimum caliper of two (2) inches.
- D. Trees shall be planted between the street right-of-way and the sidewalk, if any, but in all cases, outside the street right-of-way.

ARTICLE V.

IMPROVEMENTS STANDARDS AND PROCEDURES

SECTION 501 GENERAL REQUIREMENTS

- A. Improvements required may include streets, sanitary sewers, water supply systems, stormwater management, utilities, or other such improvements necessary to development of the site. (See Section 505.)
- B. Improvements shall be installed by the subdivider prior to Final Plan approval, or a suitable guarantee shall be provided which shall ensure installation of the improvements according to the standards set forth in these regulations. The Final Plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed and inspected and determined to be in a satisfactory state, or a suitable guarantee for installation and maintenance is provided, as described in Section 502.
- C. The Township shall designate the Township Engineer to approve final design and inspect the installation of improvements.
- D. Improvements may be installed in phases comprising a minimum of three (3) contiguous parcels.

SECTION 502 IMPROVEMENT GUARANTEE

- A. In lieu of completion of any improvements required as a condition of Final Plan approval, the applicant shall file with the Township a financial security as an improvement guarantee equal to one hundred ten (110) percent of the estimated cost to install the same improvements estimated as of ninety (90) days after the date scheduled for completion by the developer. Such guarantee may consist of an irrevocable letter of credit, a restricted or escrowed bank account or acceptable performance bond.
- B. For phased development, financial security in lieu of improvement completion need cover only the phase for which Final Plan approval is sought.
- C. Financial security shall be posted with a bonding company or lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
 - 1. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
 - 2. The cost of the required improvements shall be established by a registered professional engineer selected by the applicant and submitted for approval. The Township may reject such estimates for good cause shown.
 - 3. If the developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and rectified by a registered professional engineer chosen mutually by the Township and the developer. The estimate certified by the engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event an engineer is so chosen, fees for the services of said the Township and the developer should pay engineer equally.
- D. Should the completion of the required improvements require more than one (1) year, the Township may increase the amount of financial security by up to ten (10) percent for each one (1) year period beyond the first anniversary date of the posting of the original security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period.
- E. If a development is projected over a period of years, the Township may authorize submission of plans by stages, which shall be subject to such requirements or guarantees as the Commission deems essential for the protection of any finally approved section of the development.

SECTION 503 RELEASE FROM IMPROVEMENT GUARANTEE

- A. The Township may authorize the release to the developer of such portions of the security necessary for payment to the contractor or contractors performing the installation of required improvements. Any request for the release of funds shall be writing to the Township, which shall have forty-five (45) days from receipt of the request to authorize its engineer to complete inspection of and certify in writing that the improvements to be covered by the funds have been completed satisfactorily.
- B. Under certain conditions the Township may agree to other procedures for the release of portions of any posted financial security so long as the work has been done in accordance with the terms of plan approval.
- C. When all necessary improvements have been completed, the developer shall notify the Township in writing by certified or registered mail of completion. The Township shall, within ten (10) days after receipt of such notice, authorize final inspection by its engineer. A report shall be made in writing by certified mail to the developer within thirty (30) days of the inspection authorization and shall indicate approval or rejection of the completed improvements.
- D. Upon approval of the completed improvements, the Township shall release to the developer those funds remaining in the financial security deposit including all interest accrued. Prior to release of such funds, the developer shall guarantee in writing the structural integrity of the improvements for a period of one (1) year.
- E. If any portion of the completed improvements shall be found not satisfactory, the aforementioned written report shall contain a statement of reasons for rejection. The developer shall proceed to correct or complete those improvements and upon completion shall notify the Township by those procedures contained in this Section.
- F. Should the Township fail to comply with the time limitations as provided, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the financial guarantee agreement.
- G. If financial security has been provided in lieu of completion of improvements, the Township shall not condition the issuance of building, grading or other permits relating to the improvements including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot(s) or beyond the lot(s) in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

SECTION 504 DEDICATION OF IMPROVEMENTS

- A. Where the subdivider proposes to dedicate improvements to the Township, a deed which dedicates the land and improvements to the Township and is duly signed by the developer and Township Supervisors, shall be recorded with the Final Plan. In accepting the deed of dedication and approving the Final Plan, the Township accepts ownership and maintenance responsibility for the improvements shown on the Final Plan.
- B. Where the Township accepts dedication of all or some of the required improvements, the Township may require up to fifteen (15) percent of the actual cost of improvements for financial security to insure the structural integrity to those improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
- C. A Final Plan may be approved without an offer of dedication of improvements, provided that such improvements are noted as private on the Final Plan. The subdivider shall also be required to provide a notice in each deed, setting forth an arrangement between the developer and buyer for maintenance of such improvements. In addition, as stated in paragraph B. above, the Township may require up to fifteen (15) percent of the actual cost of improvements for financial security to insure the structural integrity of those improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

SECTION 505 REQUIRED IMPROVEMENTS

The term "required improvements" as used in this Ordinance includes:

- A. All roads included in a plan, except existing public roads and roads designed as private.
- B. All stormwater facilities included in a plan shall be completed prior to the beginning of construction of any structure. In the event a development is sufficiently large that it will be constructed in specifically defined phases, stormwater management can be completed at the beginning of each phase as long as other modifications/changes improve the performance of the existing facilities. There will be provisions made for the continued maintenance of all stormwater facilities by the developer at his expense. Any performance failure of the stormwater facility, by design flaw, or lack of maintenance will be corrected at the developer's expense.
- C. At least three (3) monuments set into the ground thirty (30) inches, and set so that the top of the monument or marker is level with the surface of the surrounding ground. Concrete monuments shall be marked on top with a brass or bronze dowel.
- D. In subdivision or land developments where new street(s) or road(s) are established, the Developer, general contractor or principal owner shall be responsible for providing to Penn Township authorities an adequate number of such street signs and metal poles of appropriate length. These signs will either be installed by the Township or by the Developer under Township supervision.
- E. All sewage disposal facilities shall be included in the plan. The applicant should perform any connection or extension Agreement entered into with the Penn Township Municipal Authority.
- F. All water supply facilities shall be included in the plan. The applicant should perform any connection or extension Agreement entered into with the Penn Township Municipal Authority, or other appropriate public utility.

SECTION 506 AS-BUILT DRAWINGS

Upon completion of construction and installation of the improvements, the applicant shall furnish the Township with one (1) set as-built drawings showing details of the roads and storm facilities, as well as any public or community sewage disposal and water supply facilities, utilities or easements constructed or installed in the development.

ARTICLE VI

SPECIALIZED LAND DEVELOPMENT

SECTION 601 GENERAL

The provisions of this Article apply to plans for specialized land development. Plans for such developments shall conform to these provisions as well as all other applicable provisions of this Ordinance.

SECTION 602 INNOVATIVE DESIGN

- A. Innovative designs that provide for foreseeable problems and that enhance the rural character of the Township will be permitted, provided that other basic requirements of this Ordinance are met. The Planning Commission and the Township Supervisors will encourage ingenuity and innovation in the design of specialized developments so that economy of effort and enhancement of quality of life can be achieved throughout the Township.
- B. Cluster development in residential design is encouraged as innovative design. See Zoning Ordinance Section 808 for supplemental standards pertaining to cluster development.
- C. Planned Residential Development (PRD) also is an innovative approach that is encouraged. See Article IX of the Zoning Ordinance.

SECTION 603 COMMERCIAL AND INDUSTRIAL DEVELOPMENT

- A. Land located in the Industrial Zone may only be developed in strict compliance with Section 412 of the Zoning Ordinance, pertaining wellhead protection.
- B. Commercial and industrial land development shall comply with requirements of the Penn Township Stormwater Management Ordinance.
- C. Commercial and industrial land development shall meet the parking, loading and sign requirements of Article V of the Zoning Ordinance.
- D. Parking and access lanes shall be graded and paved in accordance with the Township's Mud Free Road Ordinance.
- E. Commercial and industrial land development shall comply with performance standards of Article X of the Zoning Ordinance.
- F. Industrial land development shall connect to existing public water and sewer systems, unless a report prepared by a professional engineer indicates that such connection is not feasible.

SECTION 604 DEVELOPMENT ADJACENT TO AGRICULTURAL LAND

Any proposed development adjacent to an Agricultural Security Area or abutting the AC District shall comply with the landscape and buffer yard requirements of Section 413 of this Ordinance.

SECTION 605 CAMPGROUND AND TRAVEL TRAILER PARK (SEASONAL)

Where provided, and subject to the procedures for land development and the requirements of those zones except as herein modified and provided:

- A. The proposed campground or trailer park must comply with PA DEP regulations.
- B. Maximum gross campsite density shall be ten (10) per acre.
- C. A private road system shall be provided and constructed in accordance with the Township's Mud Free Road Ordinance.

- D. Minimum lot width shall be thirty (30) feet of frontage along the campground road system.
- E. All campsites shall be located at least sixty (60) feet from any property line and one hundred (100) feet from the street right-of-way.
- F. A minimum of 1-1/2 vehicle parking spaces per lot shall be provided within the campground.
- G. Sewage disposal shall be planned as specified in Section 407 of this Ordinance.

SECTION 606 MULTI-FAMILY DWELLING

Multi-family land development shall comply with the requirements of Section 818 of the Zoning Ordinance.

ARTICLE VII

MOBILE HOME PARK

Subject to the procedures for land development and the following standards.

- A. A building permit shall be required for placement of each mobile home in a mobile home park.
- B. Minimum Park Area: A mobile home park shall have an area of at least five (5) acres.
- C. Foundations: Mobile homes shall be provided with either a pad consisting of a solid, one (1) foot thick poured cement concrete base not less than eight (8) feet wide and forty-five (45) feet long, or a cement block foundation placed at least three and one-half (3-1/2) feet into the ground, extending to the floor level of the mobile home and providing support for the mobile home.
- D. Anchoring: Each pad shall be provided with an anchoring system. At least one (1) tie-down shall be provided at each of the four corners and resist a wind velocity of 90 mph.
- E. Density: The density shall not exceed six (6) mobile homes for gross acre.
- F. Setbacks: The minimum front, side and rear yard setbacks for mobile homes shall be fifty (50) feet in depth as measured at right angles from the property line. This space shall be used for no other purpose except landscaping and access roads.
- G. The buffer yard requirements in Section 413 of this Ordinance shall be met. The required buffer yard width may overlap with the side yard setback.
- H. Recreation: A mobile home park shall have a minimum of fifteen (15) percent of the tract for recreational use of park residents. This requirement shall be in addition to the required buffer yard.
- I. Landscaping: One ornamental tree or evergreen tree shall be planted on each lot.
- J. Floodplain: A mobile home park shall not be located in a wetland or floodplain.
- K. Mobile Home Lots: Only one mobile home, including its extensions or additional, may be placed on each lot, where the lot shall have access to a mobile home park street. Each lot shall have a minimum area of fifty-four hundred (5,400) square feet and a minimum lot width of fifty (50) feet.
- L. Utilities: Each mobile home in the park shall be served by public or community water and sewage.
- M. All utilities shall be placed underground.
- N. Drainage: Storm drainage from roofs and paved areas shall comply with the Penn Township Stormwater Management Ordinance.
- O. Refuse Storage: Each home shall provide its own garbage and refuse containers and the operator shall provide a means of garbage disposal, whether by dumpster or other approved method, with regularly scheduled removal.
- P. Ingress and Egress: Access points to public streets from a mobile home park shall be located not less than one hundred fifty (150) feet from any street intersection. Streets within the mobile home park shall be paved and constructed according to Township specifications.
- Q. Parking: Two (2) parking spaces shall be provided for each unit.
- R. State Regulations: A mobile home park or its extension shall also comply with all applicable State regulations.

ARTICLE VIII

EXEMPTIONS AND WAIVER

SECTION 801 GENERAL

The Township Supervisors have determined that plans for certain types of subdivision and land development should be exempt from full compliance with the requirements of this Ordinance. If a sketch plan indicates that the proposed development should be exempt, the Township Supervisors shall notify the applicant in writing of such exemption.

SECTION 802 WAIVER

- D. The Township Supervisors reserve the right to waive compliance with any or all items, provisions, standards, and requirements of this Ordinance when acting on a plan. The Township Supervisors will grant waiver only when the purposes of this Ordinance will not be frustrated.
- E. The Township Supervisors shall only exercise their right to grant a waiver of the requirements of this Ordinance by majority vote after notice and a Public Hearing on the request for a waiver.
- F. The granting of a waiver as to any provision of this Ordinance shall not constitute, and shall not be deemed to constitute, a release or general waiver regarding compliance with the remainder of this Ordinance.

SECTION 803 PROCEDURE FOR WAIVER

- A. An applicant who seeks a waiver shall comply with the provisions of Article III of this Ordinance pertaining to sketch plan content.
- B. The applicant shall submit his sketch plan to the Township Supervisors with a request for waiver. The specific reasons for the request for waiver shall be set forth. The sketch plan and request for a waiver shall proceed through the review processes specified in Article II. The applicant shall have the right to appeal should he be aggrieved by the action on his request for a waiver.

ARTICLE IX

AMENDMENT AND SEVERABILITY

SECTION 901 AUTHORITY TO AMEND

The Township Supervisors may from time to time amend this Ordinance, but only in accordance with applicable provisions of the PA Municipalities Planning Code.

SECTION 902 PROCEDURE TO AMEND

- A. If the Township Planning Commission did not prepare the proposed amendment, the governing body must submit the amendment to the Planning Commission 30 days prior to a public hearing for its recommendations.
- B. It shall be optional for the Planning Commission to hold a public meeting on the amendment. Such a public meeting must be advertised via public notice.
- C. The proposed amendment must also be forwarded to the County Planning Commission for recommendations at least thirty (30) days prior to the governing body's public hearing.
- D. If the amendment involves a change in the zoning map, notice of the hearing must also be conspicuously posted by the Township at points along the affected property at least one week prior to the public hearing.
- E. A public hearing is held by the governing body pursuant to public notice. Notice of the amendment must be published at least ten (10) days prior to enactment.
- F. If the proposed amendment is altered substantially or is revised to include land not previously affected, another public hearing must be held pursuant to public notice. Such readvertisement in the event of substantial amendment must contain a brief summary of the provisions in reasonable detail together with a summary of the amendments.
- G. Following the final public hearing, the governing body may vote to adopt the amendment. To be a legally enacted amendment, notice of proposed enactment must be published at least once in one newspaper of general circulation not more than sixty (60) days nor less than seven (7) days prior to passage, unless a vote to enact occurs within sixty (60) days of the last public hearing notice in which case no further advertisement is necessary.
- H. A vote to enact an amendment must be taken within sixty (60) days of publication notice. Should the date of the vote be later than either or both of the above requirements, then another advertisement or hearing, as appropriate must be accomplished. Within thirty (30) days after enactment, a copy of the amendment must be forwarded to the County.

SECTION 903 SEVERABILITY

If any article, term, condition, clause, provision, or requirement of this Ordinance, or amendment thereto, shall be determined or declared to be void or invalid in law or otherwise, then only that article, term condition, clause, provision, or requirement shall be stricken from this Ordinance, and in all other respects this Ordinance shall be valid and continue in full force, effect and operation.

ARTICLE X

ENFORCEMENT, PENALTIES and APPEALS

SECTION 1001 ENFORCEMENT

The Township Supervisors are responsible for the implementation and enforcement of this Ordinance. The Township Planning Commission as an advisory body to the Township Supervisors, may inform the Township Supervisors of any violation of this Ordinance.

SECTION 1002 PENALTIES

- A. Any person who has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determines that there is a good faith basis for the person in violation to have believed that there was no such violation. In this case, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Township may, at its option and sole discretion, pursuant to Section 1601 of the Second Class Township Code, levy civil penalties of not more than \$500 per violation against any person who has violated the provisions of this Ordinance. In the event that such penalties are not voluntarily paid to the Township within the time specified by the Township, then the Township may initiate enforcement proceedings in accordance with Section A above, which proceedings shall be do novo and without regard to the Township's levy under this section, and may include such other fees, costs and penalties as are allowed by law.

SECTION 1003 INJUNCTION

- A. In addition to the penalties set forth in Section 1002 above, the Township Supervisors may also obtain an injunction against any transfer, conveyance, sale or agreement that is in violation of this Ordinance. The Township Supervisors may file an action In Equity in the Snyder County Court of Common Pleas against any person who has violated this Ordinance, or who has breached agreement as to required improvements.
- B. Any plan for a subdivision or land development that is in violation of this Ordinance shall be null and void and shall not be recorded. The Township Supervisors may request the Snyder County Court of Common Pleas to order any plan which is in violation of this Ordinance and which is recorded to be stricken from such records and to decree any transfers or conveyances made pursuant to such be null and void and of no legal effect.

SECTION 1004 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Township may institute and maintain appropriate actions in law or equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages, and to proven illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or real property in violation of this Ordinance. This authority to deny such permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

SECTION 1005 APPEALS

The decision of the Township Supervisors with respect to the preliminary approval, final approval or disapproval of any plan, or the granting or rejection of any request for an exemption or waiver, may be appealed by any party in interest to the Snyder County Court of Common Pleas as provided in the Pennsylvania Municipalities Planning Code and the Pennsylvania Administrative Agency Law. The filing of such an appeal shall not act as a stay or supersedes of the action of the Township Supervisors unless specifically so ordered by the Snyder County Court of Common Pleas. Any appeal must be filed within thirty (30) days after the date when the Township Supervisors render their decision.

ARTICLE XI

This Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

Enacted and ordained by the Board of Supervisors of Penn Township, Snyder County, Pennsylvania, this
20th day of December, 2005.

ATTEST:

PENN TOWNSHIP SUPERVISORS

Robin Bieber
Secretary

Frederick Ulrich
Chairman

Roy Krause
Supervisor

Jon Payne
Supervisor