

Chapter 22

Subdivision and Land Development

Part 1 General Provisions

- §22-101. Short Title
- §22-102. Purpose
- §22-103. Authority and Jurisdiction
- §22-104. Interpretation
- §22-105. County Review

Part 2 Definitions

- §22-201. Definitions

Part 3 Application Procedures and Plat Requirements

- §22-301. Pre-Application Procedures
- §22-302. Sketch Plan
- §22-303. Preliminary Plan Procedures
- §22-304. Preliminary Plan Requirements
- §22-305. Final Plan Procedures
- §22-306. Final Plan Requirements

Part 4 Design Standards

- §22-401. General Standards
- §22-402. Street Design
- §22-403. Blocks
- §22-404. Lots
- §22-405. Park, Recreation, Open Spaces and Greenways Guidelines

Part 5 Improvement and Construction Requirements

- §22-501. Monuments and Markers
- §22-502. Streets and Alleys
- §22-503. Sewers and Water
- §22-504. Stormwater Management
- §22-505. Curbs and Gutters
- §22-506. Sidewalks
- §22-507. Street Signs
- §22-508. Dedication of Improvements

- §22-411. Water Supply Systems
- §22-412. Associations for the Operation of Private Community Water or Sanitary Sewer Systems
- §22-413. Traffic Impact Studies
- §22-414. Landscaping
- §22-415. Recreation Areas/Facilities

Part 5

Improvements and Construction Requirements

- §22-501. Monuments and Markers
- §22-502. Streets
- §22-503. Curbs and Gutters
- §22-504. Sidewalks
- §22-505. Sewage Disposal and Water Supply Systems
- §22-506. Fire Protection
- §22-507. Storm Drainage Systems and Stormwater Management
- §22-508. Erosion and Sedimentation Control
- §22-509. Easements
- §22-510. Floodplains
- §22-511. Underground Utility Lines
- §22-512. Petroleum Lines
- §22-513. Natural Gas Lines
- §22-514. Provision for Requirement of Lands for Recreation and Other Public Sites
- §22-515. Water Areas
- §22-516. Reservations
- §22-517. Completion of Improvements or Guarantee Thereof; Prerequisite to Final Plan Approval
- §22-518. Remedies to Effect Completion of Improvements
- §22-519. Dedication and Acceptance of Improvements
- §22-520. Maintenance Guarantee

Part 6

Fees

- §22-601. Preliminary Plan
- §22-602. Final Plan
- §22-603. Fees for Review and Implementation of Plan
- §22-604. Material Tests
- §22-605. Inspection Fees
- §22-606. Other Fees

Part 7

Modifications

- §22-701. Modifications
- §22-702. Procedure

Part 8

Administration, Enforcement and Penalties

- §22-801. Administration
- §22-802. Enforcement and Penalties
- §22-803. Appeals

Part 9
Mobile Homes and Mobile Home Parks

- §22-901. Minimum Standards
- §22-902. Definitions
- §22-903. Permits for Mobile Home(s) and Mobile Home Park Construction, Alteration or Extension
- §22-904. Compliance of Existing Mobile Home Parks
- §22-905. Inspection of Mobile Home Parks
- §22-906. Design and Improvement Standards
- §22-907. Water Supply
- §22-908. Sewage Disposal
- §22-909. Electrical Distribution System
- §22-910. Service Buildings and Other Community Service Facilities
- §22-911. Refuse Handling
- §22-912. Insect and Rodent Control
- §22-913. Fuel Supply and Storage
- §22-914. Fire Protection
- §22-915. Single Mobile Homes
- §22-916. Responsibilities of the Park Management
- §22-917. Guidelines for Rules, Regulations and Agreements between Mobile Home Park Operators and Tenants
- §22-918. Facilities
- §22-919. Removal of Mobile Homes
- §22-920. Notices and Revocation of License
- §22-921. Enforcement and Penalties

Exhibits

- 22-A Subdivision and Land Development Process Flow Chart
- 22-B Subdivision and Land Development Application
- 22-C Sample Time Extension Form
- 22-D Sample Irrevocable Letter of Credit
- 22-E Sample Security Agreement
- 22-F Township Street Classification Chart

Part 1

Short Title, Purpose, and Jurisdiction

§22-101. Short Title .

This Chapter shall be known and may be cited as the “Cumberland Township Subdivision and Land Development Ordinance.” An ordinance setting forth requirements, standards, and procedures concerning the subdivision of land and land development within the Township of Cumberland, Adams County, Pennsylvania, pursuant to the authority granted by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq, as amended.

(Ord. 07-117 , 11/13/2007, §101)

§22-102. Purpose .

It is the intent, purpose, and scope of this Chapter:

- A. To protect and promote safety, health and morals.
- B. To accomplish coordinated development.
- C. To provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions.
- D. To guide uses of land and structures, type and location of streets, public grounds and other facilities.
- E. To promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources.
- F. To permit the Township to minimize such problems as may presently exist or which may be foreseen.

(Ord. 07-117 , 11/13/2007, §102)

§22-103. Authority and Jurisdiction .

The authority of the Township Supervisors to adopt this Chapter regulating subdivision and land development within Cumberland Township is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247 as amended by Act 170 of 1988, 53 P.S. §10101 et seq, and as amended thereafter. As a result, no subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvement in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.

(Ord. 07-117 , 11/13/2007, §103)

§22-104. Interpretation .

The provisions of this Chapter shall be interpreted to be the minimum require-

ments to meet the purposes of this Chapter. Where the provisions of this Chapter conflict or are inconsistent with the provisions of any other ordinance, regulation, or requirement, the more restrictive provisions shall apply. Where other ordinances, regulations or requirements are referenced (either literally or implicitly), the most recent, as amended, version or edition shall be adhered to.

(Ord. 07-117, 11/13/2007, §104)

§22-105. County Review .

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

(Ord. 07-117, 11/13/2007, §105)

§22-106. Municipal Liability .

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the liability upon the municipality, its officials, agents or employees.

(Ord. 07-117, 11/13/2007, §106)

Part 2

Definitions

§22-201. General .

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

(Ord. 07-117 , 11/13/2007, §201)

§22-202. Word Usage .

1. Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Chapter to have the meaning herein indicated:

A. The singular shall include the plural and the plural shall include the singular.

B. Words used in the present or past tense shall include the future tense.

C. The words “person,” “applicant,” “subdivider” and “owner” shall include a corporation, unincorporated association, trust, partnership or other legal entity, as well as an individual.

2. The words “shall” and “will” are always mandatory. The word “may” is optional and at the discretion of the Township.

(Ord. 07-117 , 11/13/2007, §202)

§22-203. Definitions .

Access drive - a paved or unpaved surface, other than a street, which provides vehicular access from a street or private road to any lot except a single-family residence.

Accessory building/structure/use - a structure or use that: (A) is clearly incidental to and customarily found in connection with a principal building or use; (B) is subordinate to and serves a principal building or a principal use; (C) is subordinate in area, extent, or purpose to the principal building or principal use served; (D) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and (E) is located in the same lot as the principal building or use served.

Agricultural purposes - the use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment and for housing and feeding livestock and for housing equipment, The use of land for a dwelling site is not an agricultural purpose.

Alley - a right-of-way providing secondary vehicular access to the side or rear of two or more lots.

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

Application for development - every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development

including, but not limited to, an application for a building permit for the approval of a development plan, or for the approval of a subdivision plat or plan.

Authority - a body politic and corporate created pursuant to the act of May 2, 1945, P.L. 382, No. 164, known as the "Municipality Authorities Act of 1945."

Block - an area bounded by streets.

Board of Supervisors - the Cumberland Township Board of Supervisors.

Building setback -

A. Front yard building setback line - the line parallel to the public street right-of-way line at a distance equal to the minimum depth of the front yard designated for each district in this Chapter. All yards adjacent to a public or private street rights-of-way shall be considered front yards.

B. Side yard - the required open space extending along the side lot line from the front yard to the rear yard.

C. Rear yard - the required open space extending along the rear lot line (not a street line) throughout the whole width of the lot.

Cartway (roadway) - the area of a road or other street, within which vehicles are permitted, including travel lanes but not including shoulders, curbs, gutters, sidewalks, or drainage swales.

Clear sight triangle - an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Common open space- see "open space."

County - Adams County, Pennsylvania.

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

Cul-de-sac - a street with access closed at one end, provided with a vehicular turnaround at the closed end.

Developer - any landowner, equitable owner or authorized agent of such landowner who makes or causes to be made a subdivision of land or a land development.

Development - any man-made change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling; grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

Development plan - the provisions for the development of a residential, commercial, or industrial site prepared in accordance with this Chapter including, but not limited to, a plat of subdivision, location of various uses, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space, and public facilities. The phrase "provisions of the development plan" when used in this Chapter, shall mean both the verbal and graphic materials referred to in the proposal.

Drainage - the flow of surface water runoff and the methods of directing such flow

which include, but are not limited to, (A) the removal of surface water or groundwater from land by drains, grading, or other means which includes runoff controls to minimize erosion and sedimentation during and after construction; and, (B) the means for preserving the water supply; and, (C) the prevention or alleviation of flooding.

Dwelling - a building or portion thereof that is used exclusively for residential purposes:

A. Single-family detached dwelling - a building designed for and occupied by one family and having no wall in common with an adjoining building.

B. Two-family dwelling - a building designed for and occupied by two families.

(1) Twin or semi-detached - a building with one unit on each side of a common wall.

(2) Duplex - a building with one unit placed above the other so that they share a common horizontal partition.

C. Single-family attached dwelling - a building containing not more than six dwelling units separated by parallel party walls, each of which has only one dwelling form ground to roof, independent outside access, not more than two walls in common with adjacent units and open-space exposures to the front and rear (internal units) or front, rear and one side (end units). Such dwellings shall include, but not be limited to, the following types: triplex, quadruplex, townhouses (in rows of no more than six units).

D. Multi-family dwelling - a building designed for and occupied by more than two families. Such dwellings shall include, but not be limited to, the following types: townhouses (in rows of more than six units), stacked townhouses, multiplex, garden apartments, mid-rise apartments.

Easement, utility - a right-of-way granted for the limited use of land for public or quasi-public purposes, including the placement or installation of utilities; also the land to which such right(s) pertain.

Engineer - a registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.

Engineering specifications - the written specifications of the municipality as prepared by a registered professional engineer, regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

Erosion - the removal of surface material by the action of natural elements.

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

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

Flood - a temporary inundation of normally dry land.

A. Floodplain - an area adjoining a river, stream, or other watercourse, that

is subject to partial or complete inundation during a 100-year storm.

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

C. Floodway - the channel of the watercourse and those portions of the adjoining floodplains which 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. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed absent evidence to the contrary that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

D. One hundred-year flood - the flood magnitude expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as the flood having a 1 percent chance of being equalled or exceeded in a given year.

E. Regulatory flood elevation - the 100-year flood elevation, plus a freeboard safety factor of 1½ feet.

Governing body - the Cumberland Township Board of Supervisors.

Greenways - a linear area maintained as open space in order to conserve natural and cultural resources, and to provide recreational opportunities, aesthetics, and design benefits, and linkages between open space and recreational facilities and between these facilities and their users.

Hydric soils - soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part.

Impervious surface(s) - any surface on a lot that blocks the natural percolation of water. Examples include, but are not limited to, structures, including eaves, roofs, and roof overhangs; parking areas; driveways; sidewalks; patios; sport courts; and pools.

Improvements - physical additions and changes to land, such as grading, paving, curbing, fire hydrants, water mains, sanitary sewers, capped sewers, storm sewers, storm drains, catch basins, culverts, sidewalks, monuments, crosswalks, bridges, earthworks, street lights, street trees, other plantings, and other structures.

Improvement specifications - minimum standards for the construction of the required improvements, such as streets, curbs, sidewalks, water mains, sewers, drainage, public utilities and other items required to render the land suitable for the use proposed. For purposes of this Chapter the term "improvement specifications" shall refer to any specifications which shall be adopted by Cumberland Township or that are referenced from outside agency sources and incorporated herein.

Land development - any of the following activities:

A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

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

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

B. A subdivision of land.

Landowner - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than 40 years, or other person having a proprietary interest in land.

Landscaped area - that portion of a tract or lot in which plantings are installed including buffers or landscape screen planting, as well as plantings which serve as functional and/or aesthetic purpose when located around and between buildings, streets, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards and the like.

Level of service (los) - describes the operating conditions of an intersection and is derived by comparing traffic volumes with roadway capacity. LOS A represents the best traffic operation, LOS F represents the worst.

Loop road - a street with one end open for public vehicular and pedestrian access and the other end looping around to intersect itself.

Lot - one duly recorded plot or parcel of land on which a permitted use or building and an accessory use or building may be placed, together with the required yards and areas required by this Chapter, not including any land within the limits of a street right-of-way upon which said lot abuts, even if a portion of the right-of-way is maintained by the owner of the lot.

Lot area - the area of land contained within the property lines of a lot, including the area of any easement, but excluding any area with an existing or designated future road rights-of way.

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

Lot, through or double frontage - a lot with front and rear street frontage.

Mediation - a voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

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

Mobile home lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile home park - a parcel or contiguous parcels of land that has been so designated and improved that it contains two or more mobile home lots for the

placement thereon of mobile homes.

MPC - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, 53 P.S. §10101 et seq, as amended from time to time.

Municipal Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Cumberland Township, Adams County.

Municipality - Cumberland Township, Adams County.

Open space- that portion of the land open to the sky and usually reserved in a natural state or for outdoor recreational use. The space may be used for passive or active recreation, or may be reserved to protect or buffer natural resources. A parcel or parcels of land or an area of water or a combination of land and water within a development site, logically interrelated and interconnected, and designed and intended for the use and enjoyment of the residents of the development and/or community, not including streets, stormwater management facilities, required off-street parking areas, and required yards. Open space shall be substantially free of structures but may contain such improvements as are in the development plan as finally approved and as are appropriate for the recreation of the residents served thereby.

Plan, construction - a final plan prepared by a registered engineer or surveyor showing the construction details of streets, drawings, sewers, bridges, culverts and other improvements as required by this Chapter.

Plan, sketch - an informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings, and the general layout of a proposed subdivision or land development.

Plan, preliminary - a tentative subdivision of land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of a subdivision as a basis for consideration prior to preparation of the final plan.

Plan, final - a complete and exact subdivision or land development plan prepared for official recording as required by statute.

Plan, official - the comprehensive plan (master plan) and/or future land use plan and/or ultimate right-of-way plan and/or official map or other such plans, or portions thereof, as may be adopted, pursuant to ordinance or statute, for the area of the Township in which the subdivision is located.

Plan, official sewage - the Cumberland Township Comprehensive Plan of Sewage Facilities adopted in compliance with Pennsylvania Act 537, 35 P.S. §750.1 et seq

Planning Commission - an agency of Cumberland Township as duly appointed for specified terms by the Board of Supervisors of Cumberland Township for duties as prescribed in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq

Plat - the map or plan of the subdivision or land development, whether preliminary or final.

Professional consultant - person or firm who may provide expert or professional advice including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

Public ground(s) - parks, playgrounds, trails, paths and other recreational areas and other public areas and sites for schools, sewage treatment, refuse disposal, and

other publicly owned or operated facilities; and publicly owned or operated scenic and historic sights.

Public hearing - a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq

Public meeting - a forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, know as the "Sunshine Act," 65 Pa.C.S.A. §701 et seq

Public notice - notice published once each week for 2 successive weeks in a newspaper of general circulation in the township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Right-of-way - a strip of land occupied or intended to be occupied by street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

Right-of-way, ultimate - the expected future right-of-way width for a public street, computed from the centerline of an established right-of-way and delineated by a line parallel to the center line.

Runoff - the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

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

Setback - the required minimum horizontal distance between the building line and the related front, side, or rear property line.

Sight distance - the length of roadway visible to the driver or a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. The distance necessary at intersections to allow the driver of a vehicle stopped at the intersection to have sufficient view of the intersecting roadway to determine when to safely turn onto the intersecting roadway. Any reference shall be consistent with the Pennsylvania Department of Transportation.

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

Steep slope- an area of land that is characterized by a change in elevation of 15 percent or more over a horizontal distance of 2 feet or greater.

Stopping sight distance - the distance necessary along each roadway so that the drivers have a view of the roadway (including intersecting roadways) that is sufficient to allow drivers to stop, if necessary, under prescribed conditions.

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

Streets, major -

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

B. Collector street - a major street or highway which carries traffic from neighborhood collectors and/or minor streets to abutting collectors and/or arterials. For classification purposes, collector streets shall generally have an ADT greater than 1,000.

C. Neighborhood collector - a major street or highway which carries traffic from minor streets and/or other neighborhood collectors to abutting neighborhood collector and/or collector streets. For classification purposes, collector streets shall generally have an ADT greater than 500 but less than 1,000.

Streets, minor -

A. Minor neighborhood street - a street or roadway which primarily collects and conveys traffic from abutting properties and/or streets.

B. Minor street - a street or roadway used primarily for access to abutting properties. For classification purposes, minor streets shall generally have an ADT less than 200.

C. Alley - a minor right-of-way privately or publicly owned, used for service to the rear or sides of abutting properties, not intended for general traffic circulation.

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

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

Surface drainage plan - a plan showing all present and proposed grades and facilities for stormwater drainage.

Surveyor - a licensed surveyor registered by the Commonwealth of Pennsylvania.

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

Township - Cumberland Township, Adams County, Pennsylvania, or any agency, Board, Commission or representative thereof.

Township Engineer - a professional engineer registered in the Commonwealth of

Pennsylvania, duly designated by the Supervisors to perform the duties of Township Engineer.

Tree masses- area in excess of 1,000 square feet of contiguous tree canopy with predominantly (80 percent or more) of trees with trunk sizes of 6 inches or larger.

Undeveloped land - any lot, tract, or parcel of land that has not been graded or in any other manner improved.

Watercourse - a natural or constructed channel through which a stream, river, brook or creek with definite bed and banks, conveys water. Reference is also made to any and all rules and regulations of the Pennsylvania Department of Environmental Protection.

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

(Ord. 07-117, 11/13/2007, §203)

Part 3

Application Procedures and Plat Requirements

§22-301. Pre-Application Procedures .

1. Copies of this Chapter shall be available for review at the Township Building or for purchase by any person seeking information concerning land development and/or subdivision standards and procedures in effect within the Township. Any prospective developer or subdivider may meet with the Township Planning Commission to discuss and review tentative plans and/or provisions of this Chapter.

2. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act, 35 P.S. §750.1 et seq, as administered by the Pennsylvania Department of Environmental Protection.

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

4. The developer may request that a pre-application meeting be held with Township staff persons to discuss specific proposal requirements. Such requests shall be made to the Board of Supervisors in writing.

5. Prospective developers should also contact the Gettysburg National Military Park concerning impacts on the Park or other historic resources.

(Ord. 07-117 , 11/13/2007, §301)

§22-302. Sketch Plan .

1. Prior to the submission of a preliminary plan, developers are encouraged to submit a sketch plan for review by Township staff and the Township Planning Commission. This will enable the staff and Planning Commission to review the proposal for the factors that may affect the development. Discussions on sketch plans are intended as purely advisory and shall not exempt the developer from any additional requirements of this or any other ordinances affecting the development. Any direction provided for a sketch plan is considered non-binding. The staff and Planning Commission may, at its discretion or when requested by the applicant, submit the sketch plan to the Township Engineer or Solicitor and the County Planning Agency for review and comment in order to provide the developer with more specific written directive.

2. If the applicant requests that the sketch plan be reviewed and written comments be provided by the Engineer or Solicitor, the applicant shall provide the Township with a deposit in accordance with the fee schedule to cover the cost of such

review.

3. A sketch plan should contain the following information at a minimum:
 - A. Location map.
 - B. General information concerning any community facilities and/or any other man-made or natural features that will affect the proposal.
 - C. Property boundary taken from deeds, tax maps, or other surveys.
 - D. A sketch of the proposed development drawn at a scale no smaller than 1 inch = 100 feet showing the proposed layout of streets and lots, and other features of the subdivision or development. The sketch plan should also indicate the tentative layout of any proposed utilities or drainage structures.
 - E. Contours from USGS Quadrangle map or other source.
 - F. Soil boundaries as taken from the most recent Adams County soil survey manual.
 - G. Floodplain as taken from the Flood Insurance Rate Map for Cumberland Township.
 - H. A statement indicating the zoning district and appropriate criteria.
 - I. Name of property owner and all adjoining property owners.
 - J. Other information as may be requested by the Township.

(Ord. 07-117 , 11/13/2007, §302)

§22-303. Preliminary Plan Procedures .

In proposed residential developments involving no more than five lots or dwelling units, (such as in the case of condominium developments) proposing exclusively single-family detached dwellings that will abut an existing public right-of-way and will not require construction of public improvements the submission of a preliminary plan is waived. However, all other applicable requirements and specifications shall remain the same.

A. Submission of the Preliminary Plan .

(1) In conjunction with the submittal of the plan, an application must be completed and signed. This must include supplementary data, application fees and a deposit of required fees for engineering and legal review, as required by this Chapter. Preliminary plans and all required accompanying documentation shall be submitted to the Township a minimum of 35 days in advance of the regularly scheduled Planning Commission meeting in which the applicant wishes the Township to consider the plan. This will enable the Township to receive and review comments from the Township Engineer and the Adams County Planning Commission and to place the plan on the agenda. Any revised plans and accompanying documentation shall be submitted to the Township a minimum of 15 days in advance of the regularly scheduled Planning Commission meeting in which the applicant wishes the plan to be on the agenda.

(2) All plans will undergo an initial staff review before being considered as a complete submission. During this initial review, plans will not be released to Planning Commission members for formal review. In the event that the

application is deemed incomplete, the Township shall notify the applicant, in writing, within 10 business days of its receipt of the application.

(3) Should the applicant fail to provide a written withdrawal of an incomplete submission, or fail to provide missing items, in either event by the day the agenda closes for the next meeting of the Board of Supervisors, the Township Secretary shall place the matter on the agenda for that meeting, at which time consideration shall be given to deny approval of the plan under the relevant authority of this Chapter and the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq.

(4) A complete submission shall consist of the specified number of copies of plans, reports and applications including the following items (where required by ordinance) the specific number of copies may be modified where authorized by the Township office:

(a) Completed application form (provided by Township) signed by owner or owner's agent.

(b) Eight blue-line or black-line paper prints of the preliminary plan showing all the information required in §22-304 of this Chapter.

(c) Four copies of all other required documentation including, but not limited to, stormwater management report, sewage facilities planning module, erosion control plan and calculations, and wetlands delineation report.

(d) A filing/application fee as established in Part 6 of this Chapter.

(e) Additional copies of plans and reports are required to be provided to the Township Engineer(s) and Adams County Planning Commission. Subject to the direction of the Township office, the applicant shall provide copies of plans and reports directly to the Township Engineer(s) and the Adams County Planning Commission.

B. Approval of Preliminary Plans . Approval of the preliminary plan constitutes approval of the proposed subdivision or land development with respect to the layout, general design, the approximate dimensions and other planned features. Preliminary plan approval binds the developer to the general scheme of the plan as approved. Preliminary plan approval does not authorize the recording, sale or transfer of lots, or the installation of improvements beyond that which is statutorily allowed. Preliminary plan approval also does not constitute final approval of the design of improvements as required by this Chapter and prior to approval for construction of improvements which will be offered to the Township for dedication, a final construction drawing set shall be approved by the Township Engineer.

C. Action on a Preliminary Plan by the Planning Commission .

(1) Plans will be placed on the agenda of the Township Planning Commission on their next regularly scheduled meeting following receipt of the reports by the Adams County Planning Commission and the Cumberland Township Engineer.

(2) The Township Planning Commission may perform the following:

(a) Review all applicable reports from the County Planning Depart-

ment, Township Engineer, Township Planning Consultant, appropriate water and/or sewer authority, Pennsylvania Department of Transportation, Soil Conservation District, and other reviewing agencies.

(b) Discuss the submission with the applicant.

(c) Recommend revisions so that the plan will conform to Township's Ordinances.

(d) Provide recommendations to the Board of Supervisors for requests made by the applicant for modifications to this Chapter.

(3) The Township Planning Commission shall perform the following:

(a) Determine whether the preliminary plan meets the requirements of this Chapter, and other ordinances of the Township.

(b) Recommend approval or disapproval of the preliminary plan to the Board of Supervisors. In the case of a recommended disapproval, the Planning Commission shall indicate the specific deficiencies and the ordinance provisions which have not been met.

D. Action on a Preliminary Plan by the Board of Supervisors

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

(2) Action on a preliminary plan shall be taken by the Board of Supervisors not later than 90 days following the date of the regular meeting of the Township Planning Commission next following the date that a complete application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than 30 days following the filing of a complete application, or the final order of the court, the said 90-day period shall be measured from the thirtieth day following the day the complete application has been filed. In their review, the Board of Supervisors shall consider the reports and recommendations of the Township Planning Commission, the Township Engineer, Township Solicitor and the various other individuals or agencies to whom the plan was sent for review and comment. As a result of their review, the Board of Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

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

(4) Failure of the Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required in this Chapter shall be deemed an approval of the application in terms as presented

unless the developer has agreed, in writing, to an extension of time or change in a prescribed manner or 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.

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

(6) When a preliminary plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development within 5 years from such approval. Where final approval is preceded by preliminary approval, the 5-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the plan for such approval was duly submitted to the Township.

(7) In lieu of disapproving a plan the Board of Supervisors may approve the preliminary plan subject to conditions acceptable to the applicant. Where a plan is conditionally approved the written decision shall state the conditions of approval along with any applicable time limits for satisfaction of conditions. When a conditional approval is granted and a written decision is provided to the applicant, the applicant shall have 5 days from the date of the decision to notify the Township that the conditions are not acceptable. In the event that the applicant notifies the Township that the conditions are unacceptable, the approval of the plan will automatically be rescinded and the plan is considered to be disapproved.

(8) When the applicant revises the plan to an extent which the Township determines to be a major revision (i.e., street layout, design or layout changes in utilities, lot changes, lot revisions, etc.), or if unauthorized revisions are made, the 90-day review period shall automatically be restarted and shall begin with the date of the Planning Commission meeting following the re-submittal or 30 days after re-submittal, whichever shall come first. When a preliminary plan is approved with or subject to conditions, the applicant shall demonstrate to the Township that the conditions have been met prior to submission of a final plan. Preliminary plans will not be executed or signed as approved by the Township until all conditions have been satisfied.

E. Zoning Review .

(1) All land development and subdivision plans must be submitted to the Cumberland Township Zoning Officer or designated official responsible for zoning review. Preliminary plan approval will not be granted prior to receipt of proof of conformance to the Zoning Ordinance [Chapter 27] as it relates to the preliminary plan.

(2) Building Permits will not be issued until a zoning permit is obtained from the Cumberland Township Zoning Officer or designated official responsi-

ble for zoning review.

F. Provision for Additional Review . The Township may request the review and comment of additional agencies and public services such as the appropriate fire department, emergency management agency , school district, PennDOT, etc. This shall include any sub-consultants of the Township Engineer which shall be deemed necessary by the Township Engineer in order to thoroughly review specialty designs and studies. Copies of such review shall be made available to the developer. The fee for such review(s) shall be the responsibility of the applicant in accordance with the requirements of this Chapter.

(Ord. 07-117 , 11/13/2007, §303)

§22-304. Preliminary Plan Requirements .

1. The preliminary plan submission shall be prepared by a registered surveyor or engineer and be drawn on reproducible stable transparency, using black ink for all data including approval signatures. Scale s shall be no less than 1 inch = 50 feet unless otherwise approved by the Township Engineer. Such plats and surveys shall be prepared in accordance with Act of May 23, 1945, P.L. 913, No. 367, known as the Engineer, Land Surveyor and Geologist Registration Law, 63 P.S. §148 et seq The foregoing requirements shall not preclude the preparation of a plat in accordance with the Act of January 24, 1966, 1965 P.L. 1527, No. 535, known as the Landscape Architects' Registration Law, 63 P.S. §901 et seq, when it is appropriate to prepare the plat using professional services as set forth in the definition of the "practice of landscape architecture" under §2 of that Act, 63 P.S. §902.

2. Information Required .

A. The preliminary plan shall show:

- (1) Name of proposed subdivision, and of the municipality in which it is located.
- (2) Name, address and telephone number of the subdivider.
- (3) Name, address, telephone number, license number and seal of the professional engineer, or registered surveyor who prepared the drawings.
- (4) Date of origin and of each subsequent revised submission.
- (5) True or magnetic north point.
- (6) Graphic scale.
- (7) Written scale.
- (8) Certification by professional engineer or surveyor that depicted topography is field surveyed for all instances where grading activities and/or public improvements are proposed. Subdivision plans that do not propose public or other improvements may utilize USGS quadrangle mapping or County GIS/aerial topography as provided by the Adams County Mapping office.
- (9) A key map, for the purpose of locating the property being subdivided, drawn at a scale of 1 inch = 2,000 feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries and recorded major subdivision plans existing within 1,000 feet of any part of the

property. In addition, a title, scale, and north point shall be indicated.

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

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

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

(13) Contour lines at vertical intervals of no more than 2 feet for land with average natural slope of 4 percent or less, and at intervals of no more than 5 feet for land with average slope exceeding 4 percent. Contour intervals of 1 foot are required for plans which propose improvements.

(14) Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum used shall be based on USGS mean sea level. In cases where public sewer and water are proposed, the Township may require that plans be referenced to the Pennsylvania State Plane Coordinate System in NAD 83.

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

(16) A certification of ownership, acknowledgment of the plan and offer of dedication (where applicable) shall be signed by the owner(s) and notarized.

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

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

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

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

(21) Lot lines, areas with dimensions. In the case of subdivision or developments which will require multiple sheets of drawings, a plan shall be included which depicts the entire proposed development and adjoining features.

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

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

- (24) A statement of the intended use of all lots including reference to zoning districts, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision.
- (25) Location and size of existing and proposed utility structures and/or transmission lines including sewer, water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
- (26) The location of any existing bodies of water or watercourses, tree masses and individual trees with trunk diameter of 12 inches or greater, buildings or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or near the proposed subdivision.
- (27) Location, size and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or existing capped sewer lines) and location of all manholes.
- (28) Location, size, and invert elevation of all existing and proposed storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
- (29) Location of drainage structures, including marshes, ponds, streams, or similar conditions.
- (30) Parks, playgrounds and other areas to be dedicated or reserved for public use, with any conditions governing such use.
- (31) Where the development lies partially or completely in any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.
- (32) All plans for property on which hydric soils exist shall provide a report, prepared by a qualified wetland scientist, indicating the absence or presence of wetlands on-site. If wetlands are present, a recognized professional with specific expertise in this type of survey shall perform a field delineation of existing wetland boundaries. Cumberland Township reserves the right, in the event of a dispute over wetland boundaries, to require a jurisdictional determination.
- (33) Reference to deed book and page number for property being developed.
- (34) No plat which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plat contains the applicable notice. (See subsection .2.A(38)(b).)
- (35) All plans shall include the soil types and boundaries located on the subject tract. Boundaries and soil data shall be taken from the most recent available County Soil Survey.
- (36) All existing and proposed features, structures, formations and the like shall be clearly depicted, labeled and dimensioned (where appropriate).
- (37) Any other information which may include plans, drawings, specifications, calculations, and reports which are determined by the Township review agency, staff or engineer to be necessary in completion of review of the

submission for the purpose of determining compliance with the provisions and requirements of this Chapter.

(38) The following notes shall be placed on all plans:

(a) "Cumberland Township assumes no responsibility with regard to the process of wetlands delineation. The accuracy of each delineation presented to the Township shall be the responsibility of the applicant and his consultant. A final determination of each delineation's accuracy may be made by the Pennsylvania Department of Environmental Resources, the United States Army Corps of Engineers, or any subsequently empowered governmental regulatory agency."

(b) "A Highway Occupancy Permit is required pursuant to §420 of the Act of June 1, 1945, P.L. 1242, No. 428, known as the "State Highway Law," before driveway access to a State Highway is permitted. Access to the State Highway shall be only as authorized by a Highway Occupancy Permit."

(c) "No construction requiring Township building permits shall begin until approval of the final plan and any other required governmental authorizations are obtained."

(d) For plans involving proposed improvements, a preconstruction meeting must be held prior to the start of construction. At a minimum, the applicant, Township representatives/Township Engineer/Developers Engineer and contractor shall be present."

(e) "Prior to authorization for construction of improvements which will be offered for dedication to the Township at a later date, a final construction drawing set shall have been approved by the Township Engineer."

(f) "Prior to receipt of a building permit for any residential structure, a site grading and stormwater management plan may be required to be submitted to the Township for review."

(g) Burning and burying of construction debris on-site is prohibited unless approval is obtained.

3. Supplementary Data Required .

A. The preliminary plan shall be accompanied by the following supplementary data where applicable and determined by the Township to be necessary:

(1) A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PaDEP). For projects involving proposed public sewer, the planning module must also be submitted to the appropriate municipal authority for review. The preliminary plan will not be approved until the planning module has been approved by the Pennsylvania Department of Environmental Protection.

(2) A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act, 35 P.S. §691.1 et seq, The plan shall also indicate if any borrow/spoil areas are proposed in which case the plan shall include erosion and sediment control provisions for each such borrow area. The preliminary

plan will not be approved until a copy of the adequacy letter from the Adams County Conservation District has been issued.

(3) Preliminary designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation and the recommendations of the Township Engineer. Where facilities will be offered for dedication, the Township may require a final design for review and approval.

(4) Street cross-section drawings for all proposed streets at intervals to be as recommended by the Township Engineer.

(5) Final profiles along the centerline of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the preliminary plan. Such profiles shall show natural and finished grades and utilities which are existing or proposed to be located beneath the roadway surface.

(6) A water supply feasibility report in accordance with the requirements of this Chapter concerning the availability of, impact to and adequacy of water supply facilities in or near the proposed subdivision and/or land development.

(7) Stormwater management plan and calculations including design of storm sewers in accordance with the Township Stormwater Management Ordinance [Chapter 20] and any additional requirements of this Chapter.

(8) Where the preliminary plan covers only a part of the entire land-holdings, a sketch of the future street system of the remainder of the subject tract.

(9) Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum (or petroleum products) transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

(10) Where determined to be necessary by the Township following recommendation of the Township Traffic Engineer, the developer shall submit a traffic impact study in accordance with Township standards.

(11) Design of sanitary sewer and water systems, including plan and profiles. Where applicable, design of sanitary sewer and water systems shall also be submitted by the applicant to the appropriate municipal authority for review and approval. Comments of the utility authority and the respective engineer must be addressed prior to preliminary plan approval.

(12) A land grading plan in accordance with the requirements of this Chapter.

(13) A listing of underground utilities and contact information as per PA Acts 287, 172 and 38 as may be amended (Pennsylvania One Call System), 73 P.S. §176 et seq

(14) Location, layout and design of any proposed recreational facilities.

(15) An offer of dedication shall be shown on the plan identifying which improvements are intended to be dedicated to the Township or applicable municipal authority.

(16) A letter or agreement from the applicable authority or agency approving the sanitary sewer and water facilities and acknowledgment that capacity exists to serve the proposed development.

(17) Whenever a land development plan proposes to dispose stormwater runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural water course, a letter shall be obtained from the affected property owners stating their approval of the proposal after they have reviewed the required stormwater management plan. If deemed necessary, a formal easement and agreement may be required from the affected property owners.

(18) Landscaping plan in accordance with the requirements of this Chapter.

(19) A street or site lighting plan.

(20) The plan shall identify the location of a proposed access drive(s), and sight distance(s) which are adequate to demonstrate that the site can be served with an access.

(21) For developments which propose an intersection with an existing street, the Township may require a larger scale (i.e., 1 inch = 20 feet) drawing of such intersection to show details such as grades, drainage, right-of-way, radii, curbs, angle of intersection, signage, etc.

(22) Traffic control devices, as may be required. This shall include necessary engineering studies to justify such devices. All traffic impact studies shall be prepared in accordance with the requirements of this Chapter.

(23) A review letter from the Adams County Office of Planning and Development and a response indicating how those comments will be addressed.

(24) Until such time as the construction plan is approved, all plans shall be labeled "not for construction."

(Ord. 07-117, 11/13/2007, §304)

§22-305. Final Plan Procedures

1. Submission of a final plan for approval by the Township shall occur not more than 5 years following the date of approval of the preliminary plan in accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 et seq Failure to submit the final plan within this period of time may make the approval of the preliminary plan null and void and shall subject the property and plan to any ordinance changes which have occurred since the date of approval of the preliminary plan. Except for any modifications or changes required by the Township, the final plan shall conform basically to the approved preliminary plan. Where significant modifications or changes, other than those required by the Township, are made to an approved preliminary plan, the plan shall be submitted again as a preliminary plan.

2. Submission of the Final Plan . Final plan submission procedures and requirements shall be same as that required for preliminary plan submissions (§22-

303). In the case where a preliminary plan submission was waived the submission requirements for the final plan shall also be the same as for a preliminary plan under (§22-303).

3. Action on a Final Plan by the Planning Commission . Action by the Planning Commission on the final plan shall be taken in the same manner as for preliminary plans.

4. Action on a Final Plan by the Board of Supervisors .

A. Following receipt of the written decision in the form of meeting minutes from the Planning Commission, the Board of Supervisors shall consider the Plan at their next regularly scheduled or special meeting, the developer shall be notified, and in addition, the Board of Supervisors may also schedule a public hearing pursuant to public notice before taking any action on the plan.

B. Action on a final plan shall be taken by the Board of Supervisors not later than 90 days following the date of the regular meeting of the Township Planning Commission, next following the date that a complete application is filed, or after a final order of the court remanding an application; provided, that should the said next regular meeting occur more than 30 days following the filing of a complete application, or the final order of the court, the said 90-day period shall be measured from the thirtieth day following the day the complete application has been filed.

In their review, the Board of Supervisors shall consider the reports and recommendations of the Township Planning Commission and the various other individuals or agencies to which the plan was sent for review and comment. As a result of their review, the Board of Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

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

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

E. Before any final plan is approved, the developer shall either install all the required improvements in accordance with the approved construction plans or shall provide for deposit with the Township a corporate bond or other security acceptable to the Township in the amount of 110 percent of the cost of such improvements as estimated by the Township Engineer in accordance with the procedure outlined in this Chapter. Such bond or security shall provide for the completion of all required improvements within a stated period which shall not be longer than 1 year from the date of approval of the final plan or as otherwise stipulated in the land development agreement, after which the Township may require that the amount be increased by an additional 10 percent for each 1 year period beyond the end of the first year following the date of posting of financial security.

The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to §420 of the Act of June 1, 1945, P.L. 1242, No. 428, known as the "State Highway Law," 36 P.S. §670-420.

5. Recording of a Plan .

A. Upon approval of a final plan by the Township, the developer shall record the approved final plan (and other documentation required under plan approval) in the Adams County Recorder's office, within 90 days of such final approval, or the date the approval of the Township is noted on the plan, whichever is later.

No plan shall be recorded unless it officially notes the approval of the Township and review by the Adams County Planning and Development or other County designated agency.

B. If the plan is not recorded within 90 days the approval by the Township shall be null and void, unless the plan shall be re-approved by the Board of Supervisors upon request from the developer.

C. After the plan has been recorded, a copy of the record plan and recorder's certificate shall be submitted to the Township Office and a copy to the office of the Township Engineer. This shall be required prior to issuance of any applicable licenses or building permits.

D. No land or lots within a development shall be sold or transferred prior to recording of the final plan.

E. Where required by the Township, the developer shall submit one reproducible mylar copy and three blueprint or paper copies of the approved and signed final plan to the Township for their records.

F. Upon approval and where required, one electronic/digital copy of the final and construction plan shall be provided in a format acceptable to the Township.

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

(Ord. 07-117 , 11/13/2007, §305)

§22-306. Final Plan Requirements .

1. The final plan submission shall be prepared by a registered surveyor or engineer and shall be drawn on reproducible stable transparency, using black ink for all data including approval signatures. Scale shall be no less than 1 inch = 50 feet unless otherwise approved by the Township Engineer.

2. Information Required .

A. Including, and in addition to, the information required in §22-304, for preliminary plans, the final plan shall show:

(1) The following data for the cartway edges (curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed

streets and for the right-of-way lines of all existing streets, within the property:

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

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

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

(2) If a subdivision proposes a new street intersection with a State Legislative Route, the highway occupancy permit number(s) shall be indicated for all such intersections (if available). If a permit has not yet been obtained, the plan must contain a note that requires a highway occupancy permit be obtained in accordance with the State Highway Law, 36 P.S. §670-101 et seq.

(3) A certification of ownership, acknowledgment of a plan and offer of dedication shall be signed by the owner(s) and notarized.

(4) An approval block for the use of the Township Supervisors and the Township and County Planning Commissions.

(5) Traffic control devices, as may be required. This shall include necessary engineering studies to justify such devices.

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

(7) An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks. This shall be so noted on the plan.

(8) Copies of permits for sewer, water, stormwater, transportation, and erosion control facilities.

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

(10) A copy of the approved water and sewer feasibility reports or (including any updated information which may have become available since the submission of the preliminary plan).

(11) A copy of the approved erosion and sedimentation control plan.

(12) A copy of the approved stormwater management plan.

(13) Where deemed necessary by the Township, a map showing the location of the proposed development with respect to the Township's flood-prone area, including information on the regulatory flood elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special restrictions. In addition, where the

proposed development lies partially or completely in any flood-prone area, or border on any flood-prone area, such map shall also show the location and elevation of proposed roads, public utilities, and building sites.

(14) A copy of the approved sewage planning module for land development as approved by the Pennsylvania Department of Environmental Protection.

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

(16) Prior to final plan approval, applicants shall certify that title to any street right-of-way is unencumbered by any liens or other obligations and that no prior right-of-way has been granted.

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

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

(19) The final approved water supply feasibility report in accordance with the requirements of this Chapter.

(20) Whenever it is determined that a subdivision or land development increases the volume, rate, or concentration of stormwater runoff onto an adjacent property not in a natural watercourse or in a manner which exceeds the capacity of the natural watercourse, the developer shall obtain a letter from the adjacent land owner stating his or her approval of the proposal and that they have reviewed the plans and any required stormwater management plan.

(21) Where required by the Township, land development agreement(s) shall be executed.

(22) Photo/video documentation of the pre-existing site conditions prior to commencement of construction as may be required by the Township. In the event that photo documentation shall be required a digital copy shall be provided to the Township office and the office of the Township Engineer.

(Ord. 07-117, 11/13/2007, §306)

§22-307. Resubdivision Procedure .

Any re-platting or re-subdivision, including changes to a recorded plan, shall be considered as a new application, and shall comply with all requirements of this Chapter.

(Ord. 07-117, 11/13/2007, §307)

§22-308. Additions to Existing Lots .

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

- A. The parcel to be added must be contiguous to the existing lot.
- B. The addition must maintain or improve the overall straightness of the lot

lines.

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

D. The applicant shall record a deed of consolidation in the Miscellaneous Docket in the Recorder of Deeds Office of Adams County as a memorandum that both parcels shall be considered as one single tract for the purposes of subdivision. A copy of the deed shall be provided for review by the Township Solicitor.

E. An acknowledgment/concurrence block shall be provided for the recipient of the additional lot area to provide a notarized signature.

(Ord. 07-117, 11/13/2007, §308)

§22-309. Commencement and Completion of Construction and Improvements .

1. No construction shall be commenced until the following applicable items have been addressed to the satisfaction of the Township:

A. Plan approval; construction plan approval; security agreement; developers or land development agreements; along with any other Township permits.

B. In the case of public improvements, the construction plan shall be signed by the Township Engineer indicating the final plan set is to be used for construction of public improvements.

2. No construction shall be commenced until the applicant files with the Township all permits, approvals, clearances and the like from government agencies (such as those from the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation, and/or the Township) authorities and companies which may provide water supply or sewage disposal facilities pipeline easement holders or others.

3. The applicant shall commence construction of improvements within 1 year from the approval date of the final plan, unless approved otherwise by the Board of Supervisors.

4. In the case where development is projected over a number of years, each section, except for the last section, shall contain a minimum of 25 percent of the total number of lots, dwelling units or buildings as depicted in the final plan, unless a lesser percentage is approved by the Board of Supervisors.

5. A copy of the approved plan shall be available at the construction site at all times.

(Ord. 07-117, 11/13/2007, §309)

§22-310. As-Built Plan .

1. After final plan approval and upon completion of all required improvements, the applicant shall submit an as-built plan prepared, signed and sealed by a registered professional engineer or surveyor.

2. The as-built plan shall be provided on a reproducible media and drawn to a scale as approved by the Township. The as-built plan shall be reviewed and approved by the Township Engineer. Following approval an electronic/digital copy of the as-built

plan shall be provided in a format as approved by the Township.

A. Said plan shall indicate the actual location, dimensions and/or elevations of all completed improvements including, but not limited to:

- (1) Monuments and markers.
- (2) The location of the cartway and curb, for both sides of each street.
- (3) Sanitary sewer main, manholes, rim and invert elevations and laterals.
- (4) Storm sewers, inlets, rim and invert elevations and culverts.
- (5) Water mains, service lines, valves, and fire hydrants.
- (6) Street lights.
- (7) Landscaping and screen planting.
- (8) Berms.
- (9) Permanent sedimentation, erosion control and stormwater management structures with as-built storage volume and outlet structure elevations and as-built elevations for all detention/retention basins or other storage structures.
- (10) All easements and rights-of-way.
- (11) All buried utilities, gas, electric, cable, water, sewer, etc.

B. The as-built plan shall be submitted in complete and accurate form prior to the final release of security funds being withheld, as provided in §22-516.

C. Completion of as-built drawings in accordance with this Chapter shall not relieve the applicant from its responsibility as may be required by the applicable municipal authority, utility or State agency.

(Ord. 07-117 , 11/13/2007, §310)

Part 4

Design Standards

§22-401. Application of Standards .

The following standards shall be applied by the Township and its staff in evaluating plans submitted for review and/or approval. It is intended that these standards be considered the minimum requirements and may be modified as necessary to protect the health, safety, and general welfare of the public. All plans submitted for approval under this Chapter shall incorporate these standards.

(Ord. 07-117, 11/13/2007, §401)

§22-402. General Site Standards .

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

A. The land development plan and guiding principles for subdivision and land developments shall be observed with respect to factors affecting the suitability of the site for such development.

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

C. Land proposed for land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless provisions for minimizing erosion and sedimentation are provided as required by the Pennsylvania Department of Environmental Protection and the Adams County Conservation District. The developer is responsible for obtaining approval and/or permits from one or both of these agencies as required.

D. In a development where the average slope exceeds 15 percent, the Township may require modifications to those regulations as may be recommended by the County Conservation District or the Township Engineer.

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

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

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

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

F. Any plans for the alteration of a watercourse shall be incorporated into the design plans and subject to approval by the Township, or where necessary, the U.S.

Part 5**Improvement and Construction Requirements****§22-501. Monuments and Markers.**

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

A. *Monuments.* Monuments shall be set:

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

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

(3) At such intermediate points as may be required by the Engineer.

(4) Monuments shall be 6 inches square or 4 inches in diameter, 30 inches long and made of concrete, stone, or by setting a 4-inch cast iron or steel pipe filled with concrete.

B. *Markers.* Markers shall be set:

(1) At all lot corners except those monumented.

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

(3) Markers shall be $\frac{3}{4}$ of an inch square or $\frac{3}{4}$ of an inch in diameter, 15 inches long. Markers shall be made of iron pipes or iron steel bars.

(Ord. 85-A, 1/26/1994, §501)

§22-502. Streets and Alleys.

Streets and alleys shall be surfaced to the grades and dimensions drawn on the plans, profiles and cross-sections submitted by the developer and approved by the Township. Before paving the street or alley the developer shall install all required utilities and provide, where necessary, adequate stormwater drainage for the street or alley, acceptable to the Township. All street or alley construction shall be in accordance with Township specifications as set forth and enacted by the Board of Supervisors. The Township shall decide if a collector or arterial street is required as a direct result of the construction of the development.

(Ord. 85-A, 1/26/1994, §502)

§22-503. Sewers and Water.

1. All properties shall be connected to a public sanitary sewer system if possible.
2. Where a public sanitary sewer is not accessible but is planned for extension within 5 years to the development or to within 1,000 feet of the development, the developer shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the street right-of-way line. When capped sewers are provided, on-

site disposal facilities shall also be provided.

3. If connection to a public sanitary sewer system is not possible, the feasibility of constructing a separate private system and treatment works shall be investigated and a report submitted setting forth the findings.

4. Where neither of the above alternatives is possible or feasible, the developer or owner shall provide for each lot, at the time improvements are erected or installed thereon, an individual sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system. All such individual systems shall be constructed in accordance with the Pennsylvania Department of Environmental Protection regulations. [*Ord. 05-112*]

5. Where a water main supply system is within 1,000 feet of, or where plans approved by the Township provide for the installation of such public water facilities, the developer shall provide the development with a complete water main supply system in accordance with the Township's specifications.

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

7. Where water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Township, that the subdivision or development is to be supplied by a certified public utility, a bonafide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

8. Where none of the above alternatives are possible or feasible, the owner or developer shall provide for each lot, at the time improvements are erected or installed thereon, an individual water supply system. All such individual systems shall meet all applicable Pennsylvania Department of Environmental Protection regulations. [*Ord. 05-112*]

9. In any development or subdivision where ten or more homes are constructed but not connected to public water supply, with a land area less than 40,000 square feet per lot, the owner or developer must install a central water supply or system.

10. Fire hydrants shall be provided as an integral part of any public water supply system.

A. Fire hydrants shall be installed if their water supply source is capable of serving them in accordance with the requirements of the local fire company.

B. Fire hydrants shall be in accordance with specifications set forth by the National Fire Protection Association, or as amended.

C. Fire hydrants shall be placed at intervals of not more than 600 feet or as specified by the Middle States Department Association of Fire Underwriters.

(*Ord. 85-A, 1/26/1994, §503; as amended by Ord. 05-112, 7/26/2005*)

§22-504. Stormwater Management.1. *Scope.*

A. A stormwater management plan shall be submitted for all subdivisions and/or land developments. The plan shall show all drainage within the area affecting the subject property, all existing and proposed drainage facilities, all grading proposed for the subject property, as well as the additional plan information required in this Section.

B. All land areas shall be graded to secure proper drainage away from buildings, on-lot sewage disposal facilities, and the like, and to prevent the collection of stormwater in pools. Drainage provisions shall be of such design as to carry surface waters to the nearest practical natural drainage channel, storm sewer system detention basin or other drainage facilities. The landowner or developer shall construct and/or install such drainage structures and/or pipes as are determined necessary by the Township to prevent soil erosion, damage, siltation and to satisfactorily carry off surface water. In the design of storm drainage facilities, special consideration must be given to preventing excess runoff onto adjacent developed or undeveloped properties. In no case may any slope exceeding the normal angle of slippage of the material involved. All slopes must be protected against erosion. In no case may a change be made in the existing topography which would:

(1) Result in a slope of more than 10% within 20 feet of a property line.

(2) Alter the existing drainage or topography in a way so as to adversely effect adjoining properties.

C. Storm sewers, culverts, bridges, and related drainage installations shall be provided:

(1) To permit unimpeded flow of natural watercourses. Such flow may be redirected as required, subject to the approval of the Pennsylvania Department of Environmental Protection. [*Ord. 05-112*]

(2) To insure adequate drainage of all low points as may be related to streets.

(3) To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained to prevent flow of stormwater across intersections, and to prevent the flooding of intersections during the design storm.

(4) To insure adequate and impeded flow of stormwater under driveways in, near, or across natural watercourses or drainage swales. Properly sized pipes or other conduits shall be provided as necessary.

(5) To prevent excessive flow on or across streets, sidewalks, drives, parking areas, and any other paved surface of accessway.

(6) To lead stormwater away from springs.

(7) Provide adequate drainage away from on-site sewage disposal systems.

D. The stormwater management plan for each subdivision and/or land development shall take into account and provide for upstream areas within the

entire watershed in computing discharge quantities, sizing of pipes, inlets and other structures. The runoff from any proposed development shall be subject to evaluation which includes the anticipated runoff from other existing or proposed developments within the same watershed. Stormwater management facilities designed to serve more than one property or development, in the same watershed are encouraged, in which case consultation with the Township is required prior to design.

E. All natural streams, channels, swales, drainage systems and/or areas of concentration of surface water shall be maintained in their existing condition unless alteration is approved by the Township. In any event, all encroachment activities shall comply with Chapter 105 of the Commonwealth of Pennsylvania Department of Environmental Protection, Dam Safety and Waterway Management Rules and Regulations. [Ord. 05-112]

F. Man-made structures shall be kept to a minimum and bridges, culverts; or rip-rap shall be constructed to maintain the natural characteristics of the stream and shall meet the approval of the Township.

G. For the purpose of this subsection, streams and intermittent streams are defined as those watercourses on the Cumberland Township Zoning Map, the USGS Quadrangle maps of the area, and/or determined as such pursuant to an onsite survey by the Township.

H. Retention/detention basins shall be designed to utilize the natural contours of the land. When such design is impracticable, the construction of the basin shall utilize slopes as shallow as possible to blend the structures into the existing terrain.

I. Any subdivision and/or land development within a Flood Hazard District shall comply with all of the provisions of the Cumberland Township Zoning Ordinance [Chapter 27], and the rules and regulations of the Pennsylvania Department of Environmental Protection. [Ord. 05-112]

J. The Township may require that a landowner or developer provide reasonable corrective measures to alleviate an existing off site drainage problem which may be affected by the proposed subdivision and/or land development. It shall be the responsibility of the landowner or developer to obtain all drainage easements on, over, or through other properties, and the Township, its agents, workmen, servants, and employees shall be indemnified and held harmless from any liability.

K. Any water originating from non-natural sources such as swimming pools, air conditioning units, sump pumps, roof drains, or other similar flow, shall be properly discharged into natural watercourses on the property or connected to an existing or proposed storm drainage system, as approved by the Township. Polluting matter from such sources may not be deposited into natural watercourses or storm drains.

L. Any water originating, from non-natural sources as referenced above shall not be discharged onto any street or other public right-of-way used for pedestrian or vehicular access.

M. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of the runoff without ponding, and all land within a

development shall be graded to drain and dispose of surface water without ponding, except where other arrangements are approved by the Township. Grading shall not be done in such a way so as to divert water onto the property of another landowner without the expressed consent of the Township and the affected landowner.

N. In addition to any other requirement of this Chapter, the landowner or developer may be required to participate in the drainage basin within which the proposed development is located. The specified off-site drainage improvements required shall be those specified by the Township to mitigate off-site impacts created by the proposed development.

2. *Stormwater Management Plan.*

A. *General Requirements.* For all subdivisions and/or land developments, a stormwater management plan and report shall be submitted containing, but not limited to, the information required below. The determination of the need for additional information shall be made by the Township after conducting a review of the following:

- (1) A map depicting the total watershed. A USGS Quadrangle Map is suitable as the source for such a map. However, the watershed area must be highlighted or otherwise distinguished from other areas outside the watershed.
- (2) Maps and drawings showing all existing and proposed drainage facilities affecting the subject property.
- (3) A plan of the site, at a scale of no less than 1 inch equals 50 feet, prepared by a registered engineer or surveyor and including the following:
 - (a) All existing topographic features with a contour interval of at least 2 feet.
 - (b) Boundary survey information.
 - (c) Location and description of all vegetative and land cover characteristics.
 - (d) All existing utilities.
 - (e) Soil types.
 - (f) All existing natural or man-made features.
 - (g) All proposed improvements including, but not limited to proposed buildings, driveways, stormwater drainage systems, sewage disposal systems, wells, stormwater management facilities, grading, soil erosion and sedimentation control and procedures, and the like.
 - (h) Profiles of all proposed sewers, including elevations, sizes, slopes and materials, at a scale of no less than 1 inch equals 50 feet horizontal and 1 inch equals 5 feet vertical.
 - (i) Staging of earth-moving activities and program of operation.
 - (j) Locations, dimensions and design details required for the construction of all facilities.
 - (k) All soil erosion and sedimentation control measures, temporary as well as permanent, and sufficient detail in order to clearly indicate

effectiveness of the plan. The Adams County Conservation District must approve this plan.

(l) Project specifications relative to stormwater control.

(m) When major control facilities, such as detention/retention basins, are planned, soil structures and characteristics shall be investigated and analyzed. Plans and data shall be prepared and submitted by a licensed professional engineer or geologist with experience and education in soil mechanics. These submissions should consider and offer design solutions for frost heave potential, shrink-swell potential, soil settling characteristics, suitability of existing soils for placement of fill and backfilling procedures and soil treatment techniques as required to protect the improvements or structures.

(4) The design computations for the stormwater drainage systems including storm drain pipes and inlets, runoff control measures and culverts and drainage channels.

(5) A narrative report of the project stating the proposed engineering assumptions and calculations for control measures and facilities. The following information shall be included:

(a) General description of the project.

(b) General description of accelerated runoff control plan.

(c) General description of soil erosion and sedimentation control plan.

(d) Expected project time schedule, including anticipated start and completion dates.

(e) The stormwater characteristics of the project as related to its location within the watershed(s).

(f) On-site detention methods.

(g) Methodology and basis of design computations.

(h) Brief description of soils and their characteristics.

(6) The stormwater management plan shall comply with all other applicable Sections of this Chapter and any other Township ordinance.

B. *Stormwater Drainage Plan.*

(1) A plan showing all pre-development and post-development stormwater flow to and from basins. A plan showing all post-development flows to all inlets, headwalls, swales, channels, and the like. The drainage areas and the design flow to each inlet or structure shall be delineated on a copy of the stormwater management plan where applicable.

(2) The following stormwater related items shall be included as part of the plan submission:

(a) *Preliminary Plan Contents.*

1) The watershed and sub-area in which the site is located as well as the corresponding release rate percentage, where applicable.

2) Existing ground cover conditions.

- 3) Definition of the existing drainage paths and area boundaries.
- 4) Definition of existing on or off-site drainage problems.
- 5) Appropriate stormwater management criteria such as release rate percentage, direct discharge and downstream impact elevation.
- 6) Layout of existing and proposed streets, buildings, approximate building dimensions, parking areas, walkways, and other impervious areas.
- 7) Configuration of the storm sewer and sanitary sewer system layouts.
- 8) Approximate location and layout of the stormwater management system with a description of its proposed design and operation.
- 9) Existing and proposed drainage easements.
- 10) Preliminary runoff calculations as set forth in the stormwater management plan.
- 11) Ownership and maintenance provisions for all stormwater related facilities.

(b) *Final Plan Contents.*

- 1) Data requirements as set forth for the preliminary plan.
- 2) Final layout of existing and proposed streets and buildings, actual building dimensions, parking areas, and other impervious areas.
- 3) Exact location and layout of the stormwater management system with a detailed description of its proposed design and operation.
- 4) Detailed surface water runoff calculations as set forth in this Section.
- 5) Final provisions for ownership and maintenance of all stormwater related facilities.

3. *Standards and Criteria.*

A. *Storm Drainage System.*

(1) *Design Flow Rate.* The storm sewer system shall be designed to carry a 10-year peak flow rate, with a 25-year peak flow rate at all low points. The peak flow rate into each inlet shall be indicated on the stormwater drainage plan. The design flow rate shall be determined by the rational formula, $Q=CIA$.

Where:

Q = Peak Runoff Rate, cubic feet per second (CFS).

C = Runoff coefficient equal to the ratio of the peak runoff rate to the average rate of rainfall over a time period equal to the time of concentration.

I = Average rainfall intensity in inches per hour for a time equal to the time of concentration.

A = Drainage area in acres.

Appropriate values for the runoff coefficient and rainfall intensity shall be taken from the following source:

Commonwealth of Pennsylvania
Department, of Transportation
Design Manual, Part 2
Highway Design
August 1981 (or the latest revision thereto)

(2) *Storm Sewer System Design.*

(a) The storm sewer system shall be designed to the more restrictive of the following: to collect stormwater at any point where 3 to 5 cubic feet per second is accumulated during the design storm; and/or inlets/manholes shall not be spaced more than 300 feet apart on pipe sizes up to 24 inches in diameter and not more than 400 feet apart on greater sizes.

(b) Inlets, manholes, grates, covers, frames, and the like, shall conform to the Pennsylvania Department of Transportation Roadway Construction Standards and Form 408, "Specifications," and all amendments, revisions or updates thereto.

1) All inlets and manholes shall be precast concrete, unless approved otherwise by the Township.

2) Catch basins or sump areas below inlet piping shall not be permitted.

(3) *Bridge/Culvert/Channel Design.*

(a) Bridges and culverts shall have ample waterway to carry expected flows, based on a minimum storm frequency of 25 years or as required by the PADEP. Bridge and/or culvert design shall be in accordance with the Pennsylvania Department of Transportation and/or the Pennsylvania Department of Environmental Protection requirements. All culverts shall be provided with concrete end walls. [*Ord. 05-112*]

(b) All drainage channels shall be designed to carry a flow rate equal to a 100-year, 24-hour storm.

(c) All drainage channels shall be designed to prevent the erosion of the stream bed and stream bank areas. The flow velocity in all vegetated drainage channels shall not exceed the maximum permissible velocity to prevent soil erosion. Suitable bank stabilization shall be provided where required to prevent soil erosion of the drainage channels. Where storm sewers discharge into existing drainage channels at an angle greater than 30° from parallel with the downstream channel flow, the far side bank shall be stabilized by the use of rip-rap, and masonry and/or concrete walls. The stabilization shall be designed to prevent soil erosion and front heave under and behind the stabilizing media.

(d) Any vegetated drainage channel requiring mowing of the vegetation shall have a maximum slope of 4 horizontal to 1 vertical on those areas to be mowed.

(e) The design of all channels shall, as a minimum, conform to the design procedures outlined in:

U. S. Department of Transportation Federal Highway Administration Roadside Drainage Channels Hydraulic Design Series No. 4.

U. S. Department of Transportation Federal Highway Association Design Charts for Open Channel Flow Hydraulic Design Series No. 3.

Standards and Specification for Soil Erosion and Sediment Control in Developing Areas - U. S. Department of Agriculture, Soil Conservation Service, College Park, Maryland.

(4) *Overflow System.* An overflow system shall be provided to carry flow to the detention basin when the capacity of the storm drain pipe system is exceeded. The overflow system shall have sufficient capacity to carry the difference between the 100-year and the 10-year peak flow rates.

(5) *Inlet Capacity.* All inlets must be designed to accommodate the 10-year peak flow rate except at low points where they shall accommodate the 25-year peak flow rate. The capacity of Type C, M, or S inlets shall be determined from the following source:

Commonwealth of Pennsylvania
Department of Transportation
Design Manual, Part 2
Highway Design, August 1981 (or the most recent revisions thereto)
Chapter 10

The capacity of each inlet shall be indicated on the stormwater drainage plan. All stormwater management plans shall indicate that inlet grates be installed in such a manner that the roadway stormwater will be directed into the inlet and away from the roadway. All inlets shall be designed to create a 1-inch sump condition below finished road surface unless approved otherwise by the Township. At curbed street/driveway intersections, inlets shall be placed on the tangent section and not in the curved portion of the curbing.

(6) *Straight Pipe Sections.* All storm sewers shall be designed to follow straight courses. No angular deflections of storm sewer pipe sections in excess of 5° degrees shall be permitted. No vertical curves shall be permitted in the storm sewer system.

(7) *Minimum Grade and Size.* All storm drain pipes shall be designed to maintain a minimum grade that will result in a full flow velocity of at least 2 feet per second. All storm sewer pipes shall have a minimum inside diameter of 15 inches.

(8) *Pipe Capacity.* The capacity of all pipe culverts shall, as a minimum, provide the required carrying capacity as determined by the following sources:

United States Department of Transportation
Federal Highway Administration
Hydraulic Engineering Circular No. 5
Hydraulic Charts for the Selection of Highway Culverts
United States Department of Transportation

Federal Highway Administration Hydraulic Design Series No. 3 Design Charts for Open Channel Flow

United States Department of Transportation

Bureau of Public Roads

Hydraulic Engineering Circular. No. 10

Capacity Charts for the Hydraulic Design of Highway Culverts

(9) *Pipe Arches*. Where headroom is restricted, arches may be used in lieu of circular pipes.

(10) *Pipe Material and Gauge Thickness*. All storm sewers shall be either reinforced cement concrete, corrugated aluminum or corrugated galvanized steel pipe. Storm sewers shall be of the proper class and thickness to support the above fill material. Pipe class and gauge or thickness shall be noted on the plans. All pipe shall conform to Pennsylvania Department of Transportation Specifications.

(11) *Allowable Headwater Depth*. At all inlets or manholes, the maximum allowable headwater depth shall be 1 foot below the top of the inlet grate or the manhole.

(12) *Horizontal Pipe Deflections*. A manhole or inlet shall be provided at all horizontal deflections in the storm pipe system exceeding 5°.

(13) *Minimum and Maximum Cover*. In lawn areas, a minimum of 18 inches of cover shall be maintained over all storm drain pipes. Under streets, the top of storm drain pipes shall be a minimum of 6 inches below subgrade elevation. The maximum cover over storm drain pipes shall be 10 feet unless otherwise approved by the Township.

(14) *Storm Sewer System Outlets*. Storm sewer system outlet pipes shall extend to proposed stormwater management facilities, natural watercourses, and the like. A concrete end wall shall be required on all storm sewer system inlet and outlet pipes. All storm/sewer outlets 24 inches in diameter or greater shall be equipped with a galvanized child-proof horizontal bar rack, bolted to the end wall.

(15) *Roof Drains*. Stormwater roof drains shall not discharge water directly over a sidewalk, into any sanitary sewer line, or into a street or paved area without a straight curbed gutter.

(16) *Drainage Easements*.

(a) All storm sewer easements through undedicated land shall be a minimum of 20 feet in width.

(b) Where a site is traversed by a watercourse, a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance shall be created, as determined by the Township.

(17) *Diversion of Surface Water Runoff*. All storm sewers and/or drainage swales shall be designed to carry such runoff into a detention basin or similar facility utilized to control the rate of runoff, unless approved otherwise by the Township.

B. *Runoff Control Measures.*

(1) *Runoff Control.* The rate and quantity of stormwater runoff from any proposed subdivision and/or land development shall not exceed the rate and quantity of runoff prior to development (i.e., zero increase runoff). This standard shall be maintained for all storms (i.e., both high frequency and low frequency).

(2) *Runoff Control Devices.* The increased runoff which may result from subdivisions and/or land developments shall be controlled by permanent runoff control measures that will provide the required runoff control specified above. All runoff control devices will be evaluated for their effectiveness to maintain the above-mentioned standard for all storms with a return period of up to 100 years.

(3) *Groundwater Recharge.* All runoff control measures will be designed to encourage groundwater recharge when suitable subsurface conditions are present. Soils testing and certification by a registered professional engineer, geologist, soils scientist, or the like, shall be required when groundwater recharge systems are proposed.

(4) *Detention Basin vs. Other Available Methods.* Detention basins are an acceptable technique for controlling the rate of runoff from a subdivision and/or land development. However, the use of other available runoff control measures can be employed as approved by the Township. Runoff control measures other than detention basins may include on-lot berms, on-lot or centralized seepage beds. All pertinent detention basin design standards shall be applicable to any such on-lot facilities.

(5) *Regional Detention Basins.* The use of regional detention basins to combine and eliminate numerous smaller basins is encouraged. Consultation with the Township is required prior to design of a regional detention basin.

C. *Detention / Retention Basins.*

(1) Detention basins shall be designed in accordance with the Soil Cover Complex Method and the procedures developed by the U.S. Department of Agriculture, Soil Conservation Service as outlined in their Technical Release No. 55, "Urban Hydrology for Small Watersheds," with specific attention given to antecedent moisture conditions, flood routing, and peak discharge and "Hydrology National Engineering Handbook," §4.

(2) *Basin Design Criteria (SCS).*

(a) Basins shall be designed to safely convey the quantity of water resulting from a 100-year, 24-hour storm (6.7 inches of rainfall) under full development conditions. Stormwater management calculations shall insure that the pre-development discharge from the site is as follows:

1) The release rate from storms up to 10 years in recurrence frequency shall be limited to the pre-development flow rate from a 2-year storm.

2) The release rate from storms up to 100 years in recurrence frequency shall be limited to the pre-development flow rate from a 10-year storm.

3) Retention facilities shall be designed to retain the differences in flow rates per above.

4) The emergency spillways from such facilities shall be designed based on a 100-year storm.

The time of concentration method shall be utilized in the development of the runoff hydrographs and peak discharges. Storage-discharge curves shall be provided for all basins.

(b) The following criteria shall apply in the calculation of stormwater runoff values:

1) Meadow conditions shall be used as the basis for establishing the pre-developed runoff values for all areas other than woodland, including areas which are presently covered by impervious surfaces except as stated below.

2) In the case of an expansion of an existing development, allow the exclusion of only existing impervious areas from the requirements of subsection 1) above, provided that the existing development does not presently contribute to an existing drainage problem downstream upon the approval of the Township.

3) A Type II distribution storm.

(3) *Outlet Control Structures.*

(a) All outlet control structures shall be constructed of concrete, properly anchored to prevent flotation, and equipped with child-proof, non-clogging removable trash racks over all design openings 12 inches or greater in diameter, except those openings designed to carry perennial stream flows.

(b) Temporary sedimentation controls shall be provided during construction to prevent the flow of sediment through the basin outlet pipe. Such measures may include temporary riser pipes, rock-filled gabions, plywood standboxes, silt fences and the like.

(4) *Emergency Spillways.* Whenever possible, the emergency spillway for basins shall be constructed on undisturbed ground. Emergency spillways shall be constructed of reinforced concrete, concrete moundslabs or vegetated earth. All emergency spillways shall be constructed so that the basin berm is protected against soil erosion. The minimum capacity of the emergency spillway shall be designed to pass the 100-year post-development flow. Emergency spillways shall extend along the upstream and downstream berm embankment slopes. The emergency spillway shall not discharge stormwater over earthen fill and/or easily erodible material without adequate protection against soil erosion.

(5) *Freeboard.* The minimum freeboard shall be 1 foot. (Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled basin embankment.)

(6) *Basin Outlet Pipes.* Basin outlet pipes shall be equipped with watertight joints.

(7) *Antiseep Collars.* Antiseep collars shall be installed around the principal pipe barrel within the normal saturation zone of the basin berms. The antiseep collars and their connections to the pipe barrel shall be watertight. The antiseep collars shall be designed in accordance with USDA SCS criteria. Design calculations for antiseep collars must be submitted with the basin calculations.

(8) *Basin Outlets.* Energy dissipating devices (concrete aprons, and the like) shall be placed at all basin outlets. Concrete end walls shall be placed at all basin outlets. All basin outlet pipes 12 inches in diameter or greater shall be equipped with child proof devices to deter entry by pedestrian or animals. Design calculations for proposed energy dissipaters must be submitted with basin calculations.

(9) If the flow from a detention facility would otherwise damage or interfere with the agricultural or residential use of a property over which it would flow it shall be piped to a stream; provided, however, this provision shall not apply if the owner of the property which would be adversely affected by the flow refuses to grant the subdivider or land developer a right-of-way to pipe the flow from the detention facility underground at a sufficient depth so as not to interfere with agricultural use without damage to growing crops and trees; and, provided further, the pipeline shall be located so as to minimize such surface damage.

(10) *Slope of Detention Basin Embankment.* The maximum slope of earthen basin embankments shall be 4 to 1. The top or toe of any slope shall be located a minimum of 15 feet from adjacent property lines with the exception of the downstream property line where the toe of the embankment shall be placed a sufficient distance to allow for energy dissipating devices but in no case less than 40 feet unless approved otherwise by the Township. Whenever possible, the side slopes and basin shape shall blend with the natural topography. Straight side slopes and rectangular basins shall be avoided whenever possible.

(11) *Width of Berm.* The minimum top width of detention basin berms shall be 6 feet.

(12) *Construction Specifications.* The plans shall indicate the construction specifications and compaction requirements for all detention/retention basins.

(13) *Slope of Basin Bottom.* In order to insure proper drainage of detention basins, a minimum grade of 1% shall be maintained for all basins.

(14) *Cut-off Trench.* A cut-off trench shall be excavated along the center line of dam on earth fill embankments. The minimum depth shall be 3 feet. The minimum bottom width shall be 10 feet or wide enough to permit operation of compaction equipment. The side slopes shall be no steeper than 1:1. The trench shall be kept free from standing water during the backfilling operations.

(15) *Grading and Landscaping of Basins; Cuts and Fills.* No excavation or fill shall be made with a cut and fill slope steeper than 4 feet horizontal to 1 foot vertical. A written statement shall be required from a civil

engineer licensed by the Commonwealth of Pennsylvania having experience in soils engineering certifying that he has inspected the site and that any proposed deviation from the slope specified above should not endanger any property or result in personal injury. Retaining walls will be required if a stable slope cannot be maintained. Any retaining wall design must be designed by an experienced structural engineer licensed by the Commonwealth of Pennsylvania. The toe of any cut or fill slope must be located a minimum of 15 feet from adjacent property lines with the exception stated in subsection (1) above.

(16) *Landscaping.*

(a) A minimum of 4 inches of topsoil shall be placed on all areas affected by the basin construction (bottom of basin, side slopes, top of berm, and the like).

(b) All earthen basins shall be standard seed mix with temporary and permanent grasses or other approved ground covers within 7 days after final grading.

(c) Fencing may be required around detention/retention basins where the Township determines that circumstances warrant the fencing.

(d) All detention/retention basins shall be landscaped.

(17) *Permanent Pond.* A 5-foot wide bench sloping at 4% shall be provided for all detention/retention basins designed to contain a permanent pond of water. When a permanent pond is proposed, a report of a certified geotechnical specialist must be provided certifying that the water will not become stagnant. The basin side slopes below the water line must not exceed 4:1.

(18) *Positive Drainage.* Detention basins, not intended as permanent facilities, must be designed to eliminate standing water or swampy conditions after the basin has drained. This must be accomplished either by the installation of stone-trenched underdrains or by providing a minimum basin bottom slope of 1% to the basin outlet. Other arrangements may be presented for review and approval by the Township. Whatever design is used, the facility must be entirely dewatered at the completion of its usefulness.

4. *Approvals from Regulating Agencies.* All requirements of the Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection and/or the USDA Soil Conservation Service, with regards to storm drainage and stormwater management, shall be followed, and evidence of approvals by those agencies shall be submitted to the Township as per Parts 3, 6 and 7. [Ord. 05-112]

5. *Inspections.*

A. All earthwork and materials shall be subject to inspection for conformity with the terms of this Section.

B. During inspections, if it is found that the soil or other conditions are not as stated or shown in the application and plans approved, the Township may refuse to approve further work and revoke any or all permits and/or agreements until approval is obtained for a revised soil erosion and sedimentation control plan conforming to existing conditions.

C. If, at any stage of the work, the Township shall determine by inspection that the nature of the work is such that further work as authorized by an existing permit is likely to endanger property, streets, or create hazardous conditions, the Township may require as a condition to allowing the work to be done that such reasonable "safety precautions" be taken as the Township considers advisable to avoid such likelihood of danger.

D. No person shall interfere with or obstruct the ingress or egress to or from any such site or premises by an authorized representative or agent of the Township of Cumberland engaged in the inspection of work for compliance with the approved plans.

6. *Maintenance and Responsibilities.*

A. *Stormwater Management Facilities.*

(1) All stormwater management facilities, including detention and retention basins designed and constructed for the purposes specified under this Chapter shall be maintained in proper working order in accordance with the plans filed and approved by the Township; and, in accordance with any deed restrictions or notes on the plans. The subdivider or land developer must make adequate provisions for the perpetual maintenance of all stormwater management facilities proposed by the subdivision or land development plan. The subdivider or land developer shall, in addition, provide for an easement enabling the Township to perform emergency maintenance in the event the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the owner of the land where the detention basin or other stormwater management facility is located, by the filing of a municipal lien.

(2) In order to insure proper maintenance and function of stormwater management facilities, the Township or their designee shall perform inspections.

(3) If, at any time, the Township or their designee discovers any violation or condition not conforming with those designs and plans filed with the Township in regard to the operation of a stormwater management facility, they shall notify the responsible owners of the violation, informing them of the nature of such violation and the manner in which it can be corrected.

(4) Under no circumstances shall any person be allowed to remove any previously approved stormwater management facility unless an approved alternate facility is approved by the Township.

(5) Under no circumstances shall any person be allowed to modify, alter or change a previously approved stormwater management facility unless approved by the Township.

(6) In the event the landowner, developer, or homeowners association, as the case may be, shall refuse or neglect to comply with the provisions of this Section as interpreted by the Township, the Township may direct the work to correct any violation or noncompliance with the terms of this Chapter, and all other ordinances and codes of the Township of Cumberland and institute action for payment of cost incurred.

B. *Storm Drainage System and Watercourses.*

(1) Maintenance of all drainage facilities and watercourses within any subdivision and/or land development is the responsibility of the landowner or developer until and unless they are accepted by the Township.

(2) It is the responsibility of any landowner or developer doing any act on or across a watercourse or swale or upon the flood plain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or right-of-way for the duration of the construction activity and to return it to its original or equal condition after such activity is completed.

(3) Maintenance of drainage facilities or watercourses originating on private property is the responsibility of the owner to their point of open discharge at the property line or at a watercourse within the property.

(4) No landowner or developer shall block, impede the flow of, alter, construct any structure, or deposit any material, or commit any act which will affect normal or flood flow in any watercourse without having obtained prior approval from the Township and the Pennsylvania Department of Environmental Protection.

(Ord. 85-A, 1/26/1994, §504; as amended by Ord. 05-112, 7/26/2005)

§22-505. Curbs and Gutters.

1. In any proposed subdivision or land development with an average lot size or open area per dwelling unit of 20,000 or less square feet, curbs shall be installed on each side of the street. The Township may require curbs in developments of a lesser density when deemed necessary. The type of curbing (rolled or vertical) to be installed shall be determined by the Township.

2. All curbing shall be constructed in accordance with Township specifications.

3. In areas where curbing is not required, suitable gutters shall be installed to avoid erosion.

(Ord. 85-A, 1/26/1994, §505)

§22-506. Sidewalks.

1. In any proposed subdivision or land development involving ten or more lots or dwelling units with an average lot size or area per dwelling unit of 20,000 or less square feet, sidewalks shall be installed in accordance with Township specifications.

2. The Township may require installation of sidewalks in any subdivision or development where the evidence indicates that sidewalks are necessary for the public safety.

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

B. Sidewalks must be at least 4 feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities. Sidewalks must be at least 5 feet wide and located within the street right-of-way.

C. Sidewalks shall be constructed according to Township specifications.

(*Ord. 85-A, 1/26/1994, §506*)

§22-507. Street Signs.

Street name signs and all required traffic control signs shall be placed at one corner of every intersection. The design must be according to Township specifications.

(*Ord. 85-A, 1/26/1994, §507*)

§22-508. Dedication of Improvements.

1. Upon installation by the developer and subsequent inspection by the Township Engineer, the developer shall take final steps to dedicate the improvement and have them accepted by the Township.

2. The recording of the final plan, following approval by the Township, has the effect of an irrevocable offer to dedicate all streets and other public way and areas to public use. The offer, however, does not impose any duty of the Township concerning maintenance or improvements until the proper authorities of the Township have made actual acceptance, either by ordinance or resolution. A maintenance bond shall be required for 18 months at 15% of the estimated cost of improvements.

(*Ord. 85-A, 1/26/1994, §508*)

§22-509. Private Streets.

1. Private streets as the sole means of access to and from a subdivision land development to and from the public right-of-way are discouraged. An application involving such a private street shall be approved only at the discretion of the Township, and not as a matter of right on the part of the applicant. Private streets may be permitted for subdivisions of four or more lots, or for land developments containing a maximum of two single-family dwellings and only single-family dwellings, only when such private streets conform to the specifications and requirements for public streets as specified in this Chapter. Private streets for land developments involving multi-family dwellings or more than two single-family dwellings shall not be permitted. For subdivisions containing three lots or less of tracts of land existing as of the date of the amendment of this §22-509 of this Chapter, private streets may be permitted for access to and from said lots to and from the public right-of-way; provided, that only one such three lot subdivision shall be permitted for any parcel of land existing as of the date of this amendment and provided that the following requirements are met:

A. All subdivision plans approved by the Township under the provisions of this §22-509 shall include the following note and shall be subject to the provisions specified therein:

"Restrictions and/or conditions relating to private streets serving residential lots: Each deed for the transfer or conveyance of any lot shown on the accompanying plat shall contain the following restrictions and/or conditions, which conditions and/or restrictions shall be deemed to be covenants running with the land:

(1) The private street shown in the plat depicting the subject lot shall remain a private street, and Cumberland Township shall have no duty or obligation, under any circumstances, to accept the dedication of the same

as a public road of the Township.

(2) The purchasers or owners of the subject lot, and their heirs, personal representatives, successors and assigns, shall be responsible for the construction, maintenance, repair, and snow removal of said private street.

(3) So long as the subject private street remains a private street, Cumberland Township shall have no duty, responsibility or liability; relative to the construction, maintenance, repair, and snow removal of said private street.

(4) No further subdivision of any of the subject lots, or the tract from which the lots have been subdivided, shall be permitted unless and until said private street has been constructed or improved so as to comport in all respects with prevailing Township standards and specifications, has been offered for dedication unto the Township by at least 60% of the owners or purchasers of the lots abutting the subject private street, and has been accepted by the Township as a public road of the Township."

B. There must be full compliance with all other applicable subdivision requirements of the Cumberland Township Subdivision and Land Development Ordinance [Chapter 22].

C. No private street shall exceed 800 feet in length.

D. All private streets must have a minimum right-of-way width of 50 feet. In addition, the following specifications must be met:

(1) The center of the private street must be placed on the center of the 50-foot right-of-way.

(2) The cartway width of the private street must be at least 16 feet wide, and improved with a base course that shall consist of 8 inches of 2-A stone. The base course shall be measured after it has been compacted with a roller of not less than 10 tons in weight.

(3) The crown of the private street shall have a fall of $\frac{1}{4}$ inch to the foot, measured from the centerline to the cartway edge of the private street.

(4) When a private street enters a State or Township road, the entrance of said private street shall be improved, as per the specifications for public street pavement contained herein, for a distance of 45 feet from the centerline of said State or Township Road.

(5) Dead-end private streets are prohibited, unless constructed as cul-de-sacs, with a turn-around having a minimum of 120 foot diameter right-of-way.

(6) Whenever a developer proposes to establish a street which is not offered for dedication, he shall submit a copy of a statement signed by the Township Solicitor that he has made an agreement on behalf of his heirs and assigns with the Township. Said agreement shall be subject to the Township Solicitor's approval and shall be recorded with the development plan and referred to by that plan. Said agreements shall establish the conditions under which the street or streets may later be offered for dedication and shall stipulate among other things:

(a) That the street shall be in good state of repair as certified by the

Engineer, or that the owners of the lots along it agree to include with the offer of dedication sufficient money, as estimated by the Engineer, to restore the street to a good state of repair.

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

(c) The method of assessing repair costs.

(d) That agreement to offer the street for dedication by the owners of 60% of the lots shall be binding on the owners of the remaining lots.

E. Notification to subsequent lot owners that no Township services shall be provided on private streets.

(*Ord. 85-A, 1/26/1994, §509*)

§22-510. Water Areas.

1. In a development abutting a lake, river, or other significant water body, the Township may request the dedication or reservation of:

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

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

(*Ord. 85-A, 1/26/1994, §510*)

§22-511. Reservations.

On sites reserved for eventual public acquisition, no abutting development is permitted during the period of reservation, said period of time not to extend more than 18 months without consent of the developer. Such reservations shall be noted on the final plan.

(*Ord. 85-A, 1/26/1994, §511*)

§22-512. Street Lights.

In any proposed development involving ten or more lots or dwelling units with an average lot size or area per dwelling unit of 15,000 square feet or less, the Township may require that a street light be installed at one corner of every intersection. The Township may also require the developer to install individual property lights in the ratio of one to each lot. The light shall be controlled by a dusk to dawn sensor. The light shall have the capability of 60 to 100 watts and be installed 5 feet from the street right-of-way line. The lights shall be owned and maintained by the property owners. This requirement shall become a restriction in the deed of each lot created by this subdivision.

(*Ord. 85-A, 1/26/1994, §512*)

§22-513. Shade Trees.

1. The Township shall require that shade trees be planted in developments involving ten or more lots or dwelling units with an average lot size or area per dwelling unit of 20,000 or less square feet to conform to the following specifications:

A. Shade trees shall be planted by the developer at intervals of between 70

feet and 100 feet along both sides of all streets of the development.

B. The trees shall be located between the sidewalk and building setback lines and at least 5 feet from the sidewalk. No trees shall be planted between the sidewalk and curb, unless the available area is at least 5 feet wide.

C Each tree shall be at least 8 feet in height and have a diameter of at least 1½ inches.

(Ord. 85-A, 1/26/1994, §513)

§22-514. Underground Utility Lines.

Electric, telephone and all other utility facilities shall be installed underground and shall be floodproofed up to the regulatory flood elevation. All applicable utility companies, Pennsylvania Department of Transportation, and Pennsylvania Public Utility Commission specifications and regulations must be met during design and construction.

(Ord. 85-A, 1/26/1994, §514)

§22-515. Association for the Operation and Maintenance of Private Systems.

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

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

(Ord. 85-A, 1/26/1992, §515)

§22-516. Park, Recreation, Open Space and Greenways Opportunities.

1. General Requirements.

A. This Section applies to proposals that would create new residential development in excess of ten or more lots or dwelling units and to nonresidential development in excess of 10 acres or more.

B. The purpose of this Section is to implement requirements relating to dedication of land from new development to provide needed park and recreation opportunities as outlined in Article V, §503 (11) of the Pennsylvania Municipalities Planning Code, 53 P.S. §10503(11).

2. Standards for Compensation.

A. The proportion of the development to be dedicated to the Township for Park and Recreation purposes shall be no less than 0.10 acres per lot or dwelling unit, or a fee of \$1,000 per lot or dwelling unit, whichever is more for residential development.

B. Nonresidential development shall dedicate no less than 0.05 acres for per 1,000 square feet of building floor area or a fee of \$500 for per 1,000 square feet of building floor area.

C. Acceptable Dedicated Land as outlined in subsection .5 below shall be

dedicated to the Township for parks and recreation opportunities. A fee as outlined above may be paid in lieu of the standard land dedication amount. Alternatives to dedication of land will be considered by the Township as outlined in subsection .8.

D. The Township will have the ultimate right to decide on dedicated land or fee compensation on a site by site basis upon hearing recommendation from the Planning Commission and the Park, Recreation and Open Space Committee.

E. Standards for Compensation may be increased in the future by resolution.

3. *Park and Recreation Facilities and Accessibility.*

A. Dedicated land or fees, or combination thereof, shall be used for the purpose of providing park or recreation facilities accessible to the development. Accessible facilities to the development shall be located within the Park and Recreation District of the Township from which the development site is located.

B. Park and Recreation Districts designated by the Township shall be determined by resolution and depicted on the Cumberland Township Park and Recreation Districts Map.

4. *Formally Adopted Recreation Plan.* The Township has adopted by *Res. 02-12*, the “Adams County Vision for Parks, Recreation and Open Space” plan as the “Cumberland Township Parks, Recreation and Open Space Plan.” The Township may amend this plan by resolution as needed in the future to fulfill the park, recreation and open space goals of the Township.

5. *Acceptable Dedicated Land.*

A. The land to be dedicated must be free of any construction debris and comply with the following requirements and restrictions:

(1) Land shall not be located within any floodway.

(2) Land shall not include more than 10% wetlands or hydric soils.

(3) Land shall not have slopes greater than 8%.

(4) Land shall not be located in any existing or proposed stormwater management facility.

(5) Land shall not include area with any environmental, health or safety concern.

(6) Land shall have at least one vehicle access area that is a minimum of 20 feet in width.

(7) Land shall not be a part of any other ordinance requirement relating to setbacks, buffers and/or open space and greenways.

B. Acceptable dedicated land outside of the project site but within the Park and Recreation District of the project site is allowed on a case by case basis by the Township.

6. *Processing of Fees.*

A. All fee compensations, upon receipt will be deposited in an interest-bearing account, clearly identifying the specific district from which the fee was received. All fees must be paid prior to approval of “final” plan. If the development is a subdivision with “preliminary” approval, then only fees for each phase which has obtained “final” approval would be required to be paid to the Township.

B. If a developer chooses to pay such fees in phases, then such fees shall not have been considered to be fully paid for the purpose of establishing the time limit as outlined in §503 (11) (vii) of the Municipalities Planning Code, 53 P.S. §10503 (11)(vii), until payment of all phases of the development have been paid to the Township.

C. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.

D. Up to 25% of the fees collected within any Park and Recreation District can be utilized for a regional or community wide project located fully or partially within the Township.

7. *Failure to Utilize Fees.* Upon a request of any person who paid any fee under this Section, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for the purpose set forth in this Section within 3 years from the date such fee was paid to the Township.

8. *Alternatives to Dedication.* The developer may use one of the following alternatives or a combination of alternatives in lieu of land dedication, provided the Township approves of such alternatives:

A. Paying a fee in lieu of dedication of land as outlined in subsection .2 above.

B. The construction of new and/or improve existing recreation facilities located within the same Park and Recreation District as the development site. Such facilities shall have public access and be privately maintained upon approval by the Cumberland Township Park, Recreation and Open Space Committee. The cost for land and capital improvements shall be considered equal to fee in lieu requirements as outlined in subsection .2 above.

C. Dedication of land or permanent easement to the Township with a minimum 20 feet wide public access to the Open Space and/or Greenways will be considered by the Township based on the following equivalent compensation value:

(1) Open space and/or greenways with a minimum width of 50 feet along or surrounding navigable creeks, streams or other surface water shall have an equivalent land compensation value of twice (or 200% of) the actual surface area of the land.

(2) Open space and/or greenways with a minimum width of 50 feet that traverse through the property along ridge lines with views or along any perimeter of the development site shall have an equivalent land compensation value of twice (or 200% of) the actual surface area of the land.

(3) Open space and/or greenways that contains more than 75% tree masses as defined in §22-201, and which traverse along property lines and/or natural features shall have an equivalent land compensation value of twice (or 200% of) the actual surface area of the land.

(4) Open space and/or greenways lands that possess natural or manmade features relating to natural resources, cultural and/or historic significance as determined by the Township shall have an equivalent land compensation value of twice (or 200% of) the actual surface area of the land.

D. Provide a combination of the above items upon approval by the Township.

E. Such dedication of land or easements relating to open space and greenways shall be in addition to any other Township ordinance requirements.

(*Ord. 85-A, 1/26/1992; as added by Ord. 02-106, 10/22/2002, §516*)

Part 6**Fees****§22-601. Fees.**

1. Fees shall be paid by the developer to the Township when preliminary and final plans are submitted in accordance with the most recent fee schedule adopted by the Board of Supervisors by resolution.

A. Subject to the provisions of this Section, concerning the applicant's payment of review and report fees, no final approval of any application will be granted by the Township unless and until the applicant reimburses the Township for the cost and expense of the following professional services incurred by the Township, or any agency, Commission or Board thereof, in connection with the review and approval of any plat or application, or the inspection of public improvements:

- (1) Engineering services.
- (2) Legal Services.
- (3) Stenographer's fees.
- (4) Sewage enforcement officer fees.

B. All of the above fees for which the Township seeks reimbursement shall be certified by the Township Secretary to the applicant at the time when the Township is in a position to finally approve any application or plat. Such review fees may include reasonable and necessary charges by the Township's professional consultants, engineer or attorney, for review and report thereon to the Township. Such review fees shall be based upon the following schedule:

(1) Such review fees shall be equal to the amount charged to the Township by the Township's professional consultants, engineer or attorney for review and report to the Township.

(2) Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township's professional consultants, engineer or attorney for similar service in the community, but in no event shall such review fees exceed the rate or cost charged by the Township's professional consultants, engineer or attorney to the Township when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Township Secretary that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. If, within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Township and applicant 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. The

professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Adams County shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding 5 years. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay $\frac{1}{2}$ of the fee of the appointed professional engineer.

2. All of the above fees, requirements and arrangements shall be subject to revision, modification and amendment, from time to time, by the Cumberland Township Board of Supervisors, by fee resolution, duly adopted by a majority vote of the said Supervisors at a public meeting duly convened in accordance with the law.

3. *Other Fees.* Fees for all other permits required for and by Cumberland Township for opening roads, connecting to sewers, building construction, etc., shall be made payable to Cumberland Township and deposited with the Township Secretary or Sewage Enforcement Officer.

4. In the case of a street dedication, an easement dedication, or other such dedications the applicant at the time of application shall agree to cover the cost of advertising the ordinance accepting the deed of dedication and its recording and registration costs.

5. All fees shall be in the form of a check or money order payable to Cumberland Township.

(Ord. 85-A, 1/26/1994, §1)

Part 7**Modifications****§22-701. General.**

Upon cause shown by an applicant, the Township may grant a modification of the requirements of one or more provisions of this Chapter in instances where the literal enforcement thereof would exact undue hardship because of the peculiar conditions pertaining to the land in question, to be unreasonable, or when an alternative standard can be demonstrated to provide equal or better results; provided, however, that such modification will not be contrary to the public interest and that the purpose and intent of this Chapter will be observed.

(Ord. 85-A, 1/26/1994, §701)

§22-702. Procedure.

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

2. The request shall state in full the ground and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved, the exact variance therefrom which is requested and an indication regarding the minimum modification which is necessary to achieve the desired result.

3. The Township may, at its discretion, submit a request for modification to the Adams County Office of Planning and Development for its advisory comments. All requests for modifications shall be acted upon by the Board of Supervisors at the time that they act on the submitted plan. Said modification shall have affect only when approved by the Board of Supervisors.

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

(Ord. 85-A, 1/26/1994, §702)

Part 8**Administration, Enforcement and Penalties****§22-801. Administration and Enforcement.**

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

2. Permits required by, the Township for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land, shall not be issued by any Township official until he has ascertained that the site for such building, alteration, improvement or use is located in a development approved and publicly recorded in accordance with the provisions of this Chapter.

Also, such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description as indicated by the approved and recorded final plat or other land description acceptable in accordance with the provisions of this Chapter, and that it is in compliance with all applicable provisions of this Chapter.

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

4. The Township Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all, the information for him to ascertain that, and he shall not issue any sewage disposal permit until he determines that the site for the proposed system is acceptable in accordance with the provisions of this Chapter.

(Ord. 85-A, 1/26/1994, §801)

§22-802. Penalties.

1. Any person, partnership, or corporation who or which being owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfers, or agrees, or enters into an agreement to sell any land in a subdivision or land development whether by reference to, or by other use of, a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Chapter and of the regulations adopted hereunder and has been recorded as provided herein, shall, upon being found liable 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's 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 the 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 hereof.

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

(Ord. 85-A, 1/26/1994, §802)

§22-803. Preventative Remedies.

In addition to any other remedies available to it, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, 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.

(Ord. 85-A, 1/26/1994, §803)

§22-804. Other Actions.

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

(Ord. 85-A, 1/26/1994, §804)

§22-805. Appeals.

Decisions of the Planning Commission or Board of Supervisors with respect to the approval or disapproval of plans may be appealed directly to court by any party or officer or agency of the developer. Such an appeal shall be filed not later than 30 days following the date of the decision being made.

(Ord. 85-A, 1/26/1994, §805)

§22-806. Interpretation.

The provisions of this Chapter shall be held to be minimum requirements. Whenever there is a conflict between the provisions of this Chapter and those of any other ordinance or regulation, the provisions of the ordinance imposing the more stringent requirements shall apply.

(Ord. 85-A, 1/26/1994, §807)