

Ordinance No. _____

DRAFT - SEPTEMBER 2009

Revisions from the Previous Draft Highlighted in Italics

Upper Milford Township

Subdivision and Land

Development Ordinance

Lehigh County, Pennsylvania

This Ordinance shall serve as _____ of the
Codified Ordinances of Upper Milford Township.

Adopted by the Upper Milford Township Board of Supervisors on
_____.



Development Regulation Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

Contents

	<u>Page</u>
Article 1 General Provisions	1-1
101. Title	1-1
102. Short Title	1-1
103. Purpose	1-1
104. Applicability	1-1
105. Exemptions	1-2
106. Interpretation	1-2
107. Modifications and Waivers	1-2
108. Fees	1-3
109. Revised Plans, Alternate Plans and Resubdivisions	1-4
110. Township Records.	1-4
111. Amendments to this Ordinance	1-4
112. Appeals to Courts	1-5
113. Enforcement	1-5
114. Penalties	1-5
115. Liability	1-6
116. Severability	1-6
117. Repealer	1-6
118. PA Planning Code Amendments	1-6
119. Effective Date	1-6
120. Enactment	1-6
Article 2 Definitions	2-1
201. General Interpretation	2-1
202. Definitions	2-1
Article 3 Overview of General Procedures	3-1
301. Purpose	3-1
302. General Procedure for Subdivisions and Land Developments	3-1
303. General Plan Submission Procedures	3-2
Article 4 Sketch Plan	4-1
401. Pre-plan Consultation	4-1
402. Sketch Plan Submission Requirements	4-1
403. Sketch Plan Review Procedures	4-2

Contents (Cont.)

	<u>Page</u>
Article 5 Preliminary Plans for Major Subdivisions and Certain Land Developments	5-1
501. Initial Steps	5-1
502. Submission and Review Procedure	5-1
503. Preliminary Plan Requirements	5-5
504. Certification	5-14
Article 6 Final Plans for Major Subdivisions and Certain Land Developments	6-1
601. Applicability	6-1
602. Submission and Review Procedure	6-1
603. Final Plan Requirements	6-4
604. Certification	6-14
Article 7 Minor Subdivisions, Certain Land Developments and Lot Line Adjustments	7-1
701. Purpose	7-1
702. Submission and Review Procedure	7-1
703. Minor Subdivision Final Plan Requirements	7-3
704. Lot Line Adjustments, Annexations and Minor Revisions of Approved Plans	7-8
705. Certification	7-10
706. Recording of Plans	7-10
Article 8 Improvements Guarantees	8-1
801. Guarantee of Improvements Installation Required	8-1
802. Improvements to Be Provided by the Applicant	8-1
803. Improvement Agreement	8-1
804. Performance Guarantee	8-3
805. Approval of Improvements	8-4
806. Remedies to Effect Completion of Improvements	8-6
807. Maintenance Guarantee	8-6
Article 9 Recording of Final Plan	9-1
901. Recording of Final Plan	9-1
902. Record Plan	9-1
903. Effect of Recording	9-2

Contents (Cont.)

	<u>Page</u>
Article 10 Design Standards and Required Improvements	10-1
1001. Applicability	10-1
1002. Required Improvements	10-1
1003. Overall Requirements	10-1
1004. Roads	10-1
1005. Blocks	10-15
1006. Lots	10-16
1007. Recreation Areas and Fees	10-17
1008. Storm Water Management	10-22
1009. Sanitary Sewage Disposal Systems	10-30
1010. Water Supply Systems, Fire Hydrants and Fire Protection	10-31
1011. Waste Dumpsters, Utilities & Utility Easements	10-34
1012. Access Drives and Driveways	10-35
1013. Off-street Parking and Loading	10-36
1014. Sidewalks, Pathways and Drive Aprons	10-36
1015. Road Lighting	10-37
1016. Road Names	10-38
1017. Regulatory Signs	10-38
1018. Street Trees, Preservation of Trees and Historic Buildings	10-38
1019. Monuments and Lot Pins	10-39
1020. Curbs	10-40
1021. Erosion Control and Grading	10-41
Article 11 Additional Standards for Mobile/Manufactured Home Parks	11-1
1101. Applicability	11-1
1102. Exemptions	11-1
1103. Other Requirements of this Ordinance	11-1
1104. General Standards and Requirements	11-1
1105. Design Standards	11-2
Appendix A Application Form	A-1
Appendix B Plan Statements, Forms and Letters	B-1
B.1 Plan Preparer's Statement	B-1
B.2 Owner's Statement	B-1
B.3 Approval/review Block	B-2
B.4 Time Deadline Extension	B-3

Index

Article 1 General Provisions

101. TITLE. An Ordinance of Upper Milford Township, Lehigh County, Pennsylvania providing for: the regulation and control of the subdivision of lots and the development of land; the approval of plans, plots, or replots of land laid out in building lots; standards for the design of streets, lots, easements, blocks and other improvements; certain minimum improvements and construction standards on streets and improvements; financial security requirements for improvements; the administration of this Ordinance by the Upper Milford Township Planning Commission and Board of Supervisors; and penalties for the violation of this Ordinance.
102. SHORT TITLE. This Ordinance shall be known and may be cited as "The Upper Milford Township Subdivision and Land Development Ordinance" of 20 .
103. PURPOSES. The purpose of these regulations is to create conditions favorable to the health, safety, and general welfare of the citizens by assisting in the orderly and efficient integration of subdivisions; Ensuring conformance of subdivision plans with the public improvements plans of the Township; Ensuring sites suitable for building purposes and human habitation; Facilitating the efficient movement of traffic and avoiding traffic hazards and congestion; Securing equitable handling of all subdivision plans by providing uniform procedures and standards; Improving land records by establishing standards for surveys and plans; Safeguarding the interests of the public, the homeowner, the subdivider and the municipality; Preserving natural and historic features; and Carrying out the goals and objectives of the Comprehensive Plan and the PA. Municipalities Planning Code.
104. APPLICABILITY.
- 104.A. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, sanitary sewer main, water main or other improvements required in connection with a proposed subdivision or land development shall be constructed, opened or dedicated for use of the public or the occupants of the proposed subdivision or land development, and no building that first needs land development approval shall be constructed, except in accordance with this Ordinance.
- 104.B. A lot or parcel that was not a legal lot of record prior to adoption of this Ordinance shall not be created, sold or transferred, and no land development may occur on a lot unless and until:
1. the subdivision of the lot and/or the approval of the land development, as applicable, has been granted Final Plan approval and any subdivision has been recorded and
 2. either of the following occurs, as provided in Section 801:
 - a. the Township has been assured by means of a Development Agreement and guarantees acceptable to the Board of Supervisors that the improvements will subsequently be installed, or
 - b. the required improvements in connection therewith have been entirely completed.
- 104.C. Previous Subdivisions. If a parent tract of land has been the subject of *the creation of 2 or more new lots* within the previous 5 years, then any subdivision submittal involving that parent tract shall be required to meet the requirements for a major subdivision.

104.D. Landowner. No subdivision or land development shall be submitted to the Township for review except by the landowner of such land or his/her specifically authorized agent (see definition of "landowner" in Article 2, which includes equitable owner).

104.E. Zoning. All subdivisions and land developments shall comply with the Township Zoning Ordinance and other relevant Township codes and ordinances.

105. EXEMPTIONS.

105.A. Agriculture. The subdivision by lease of land solely for agricultural purposes into parcels of more than 10 acres, not involving any new road or easement of access or residential dwelling, shall be exempted from the regulations of this Ordinance.

105.B. Revisions to Township Regulations After Submittal of an Application. Section 508(4) of the State Municipalities Planning Code shall apply.

106. INTERPRETATION.

106.A. Standards.

1. The provisions of this Ordinance shall be interpreted and applied as minimum requirements for the promotion of the public health, safety, convenience and general welfare.
2. Where provisions, standards, and specifications of this Ordinance conflict with those of any State statute, other ordinance or regulations, the more restrictive requirement shall apply, regardless of its source, unless specified to the contrary.

106.B. Illustrations. The illustrations in this Ordinance are for general illustrative purposes, and are not part of the regulations of this Ordinance.

107. MODIFICATIONS AND WAIVERS.

107.A. An applicant seeking a modification or waiver to this Ordinance shall submit to the Township staff a request in writing that states a) the specific Ordinance section(s) involved and b) the reasons for the request. The staff shall provide the request to the Planning Commission for a recommendation. After the Planning Commission has had an opportunity for review at a meeting, the Board of Supervisors may in writing grant a waiver or modification to the specific requirements of this Ordinance.

1. This Section is established under Section 503(8) of the State Municipalities Planning Code, which authorizes waivers and modifications "when the literal compliance with mandatory provisions is shown to the satisfaction of the" Board of Supervisors "to be unreasonable, to cause undue hardship or when an alternative standard can be demonstrated to provide equal or better results."
2. *A modification involves the Supervisors approving a specific alternative standard, while a waiver involves the Supervisors removing a specific requirement as it pertains to an application.*

107.B. The applicant must prove that the request will meet one or more of the following conditions:

1. avoid an undue hardship that was not self-created and that is not financial in nature, and that results from the peculiar and uncommon conditions of the property; or
2. avoid a clearly unreasonable requirement; or
3. allow an alternative standard that is clearly proven by the applicant to provide equal or better results.

107.C. Additional Modifications Allowed.

1. In addition to the authority granted above, the Board of Supervisors shall have the authority to modify specific requirements of this Ordinance listed in subsection "2." below for an application in order:
 - a. To result in a higher quality site design, including a design that is more pedestrian-friendly, encourages lower speed traffic on residential roads and/or promotes patterns of development similar to traditional villages; and/or.
 - b. To significantly minimize adverse impacts upon important natural features, scenic views and historic buildings.
2. A modification under this Section 107.C. shall not be primarily intended to result in the allowance of a higher number of lots/dwelling units on a tract than would otherwise be possible. A modification under this Section may include the following:
 - a. Reduction in the minimum horizontal curve radius of roads to promote lower-speed traffic.
 - b. Variations in the design of cul-de-sac road ends.
 - c. Reduction of road cartway widths and provisions for alleys to provide rear access to properties, considering the expected traffic volumes, on-street parking and traffic speeds.
 - d. Allowance of roadside drainage swales without curbing where curbing is not necessary for storm water management reasons.
 - e. Variations in landscaping and buffer yard requirements that still achieve a similar effect to what would otherwise be required.
 - f. Allowance of shared driveways where necessary to minimize impacts upon natural resources and to manage traffic access onto through-roads.
 - g. Allowance of flag lots where necessary to minimize impacts upon natural resources.

108. FEES.

108.A. The Board of Supervisors has established a schedule of fees, requirements for escrow accounts, and a collection procedure for all applications and other matters pertaining to this Ordinance. The applicant shall pay the reasonable charges by the Township's Engineer and other professional consultants for review of the proposed project and for related preparation of reports and meeting time. At the time of submittal of a final plan, the applicant shall also be required to deposit funds into the escrow account to pay the anticipated costs of the Township's Engineer and other professional consultants to oversee the system of financial security of improvements and for inspections. This schedule of fees may be amended by resolution of the Board of Supervisors.

- 108.B. The applicant is also required to pay any review fees and/or permits required by the Lehigh Valley Planning Commission, any utility provider and the Lehigh County Conservation District, as well as any other applicable agencies.
- 108.C. Plans shall not be considered filed until all Township fees are paid and the applications are properly signed as required.
- 108.D. If the expenses of the Township for reviews of a subdivision or land development exceed the total fees that have been paid or placed in escrow by an applicant, additional funds shall be required to be deposited by the applicant. If expenses exceed the amount placed into escrow, such excess expenses shall be paid by the applicant prior to release of the Final Plans by the Township for recording. If the funds exceed the amount of the expenses, the excess shall be refunded to the applicant.

109. REVISED PLANS, ALTERNATE PLANS, AND RESUBDIVISIONS.

109.A. Alternate Plans. Only one preliminary or final plan concerning any one specific area of land shall be before the Township as part of an official approval process at any one moment in time, unless specifically allowed in advance by the Planning Commission. An applicant may submit multiple sketch plan alternatives or plans showing various phases.

109.B. Revisions and Resubdivisions.

- 1. Until a submission is approved or rejected by the Board of Supervisors, the Applicant may withdraw the submission and submit a Revised Plan following the submission and review procedures which apply to that Plan. For any submittal of a revision of a previously submitted plan, the Township may require the applicant to submit additional amounts into an escrow account or other fees if needed based upon the Township's expenditures on the review up to that time.
- 2. A revision or resubdivision of a recorded plan or a Final Plan approved by the Board of Supervisors shall be considered as a new subdivision and shall comply with all of the regulations of this Ordinance.
- 3. If the Township staff determines that a revision of a previously approved plan is only to correct erroneous data or minor omissions or revise engineering details or supporting documentation, the plan may be submitted under the simplified requirements and procedures of Section 704.

110. TOWNSHIP RECORDS. The Township Staff shall keep accurate written records of all actions by the Township Planning Commission and Board of Supervisors involving the administration of this Ordinance. Such records shall be open for public review.

111. AMENDMENTS TO THIS ORDINANCE.

111.A. The regulations set forth in this Ordinance may, from time to time, be amended by the Board of Supervisors, following the procedures of the PA. Municipalities Planning Code, as amended,

including a Supervisors public hearing (with public notice required by the Municipalities Planning Code) and the required legal advertisement.

- 111.B. Reviews. The Township shall submit each proposed amendment (other than an amendment prepared by or under the direction of the Planning Commission) to the Planning Commission for recommendations at least 30 days prior to the date set for the Supervisors public hearing. The Township shall submit any proposed amendment to the County Planning Commission at least 30 days before the public hearing on such amendment.
112. APPEALS TO COURTS. Decisions of the Board of Supervisors may be appealed in accordance with the PA. Municipalities Planning Code, as amended.
113. ENFORCEMENT.
- 113.A. Inspectors. The Board of Supervisors shall authorize one or more persons, which may include the Zoning Officer, Codes Administrator and the Township Engineer and his/her representatives, to enforce the provisions of this Ordinance and the accompanying design standards and improvement specifications.
- 113.B. Inspection. Any action under this Ordinance is subject to on-site inspection by the Township or its authorized representatives to ensure compliance with this Ordinance, other Township Ordinances and the approved plans.
- 113.C. Remedies. Any action inconsistent with the provisions of this Ordinance shall be subject to an Enforcement Notice, which may include a cease and desist order, and other appropriate measures by the Board of Supervisors or their authorized representatives.
114. PENALTIES.
- 114.A. Any person, partnership or corporation who or which has violated any provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Board of Supervisors or their authorized representatives, pay a judgement of not more than \$500 plus all court costs, including reasonable attorneys fees incurred by the municipality as a result thereof, unless a higher penalty is established under State law. This shall include, but not be limited to, any person, partnership or corporation that accomplishes any act listed under Section 104 "Applicability" without following the applicable procedures of this Ordinance.
- 114.B. The description by metes and bounds in the 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.
- 114.C. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and

thereafter each day that a violation continues shall constitute a separate violation. Imprisonment shall not be authorized as a penalty under this Ordinance.

- 114.D. See also the "Remedies" provisions of Section 113.C. of this Ordinance. All fines collected for such violations shall be paid over to the Township.
115. LIABILITY. Neither the approval nor the granting of any building permit, floodplain permit, site plan review, subdivision approval, land development approval, zoning permit, erosion review, storm water runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this Ordinance, involving any land governed by the provisions of this Ordinance, by an officer, employee, consultant or agency of the Township, shall constitute a representation, guarantee or warranty of any kind by the Township or its employees, consultants, officials or agencies of the practicality or safety of any structure, use or subdivision and shall create no liability upon, nor a cause of action against any Township body, consultant, official or employee for any damage that may result pursuant thereto.
116. SEVERABILITY. It is hereby declared to be the legislative intent that:
- 116.A. If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.
- 116.B. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.
117. REPEALER. All other Township ordinances or parts thereof that were adopted prior to this Ordinance and are clearly in conflict with this Ordinance, including the pre-existing Upper Milford Township Subdivision and Land Development Ordinance, as amended, except any provisions that are specifically referenced by this Ordinance, are hereby repealed.
118. PA. PLANNING CODE AMENDMENTS. The provisions of this Ordinance that only repeat, summarize or reference provisions of the PA. Municipalities Planning Code shall be deemed to be automatically superceded and replaced by any applicable amendments to such provisions of the PA. Municipalities Planning Code at the date such amendments become effective as State law.
119. EFFECTIVE DATE. This Ordinance shall become effective 5 days after enactment by the Board of Supervisors.
120. ENACTMENT. Enacted and ordained into an Ordinance this day of _____, 20__.

UPPER MILFORD TOWNSHIP BOARD OF
SUPERVISORS

Attest, Township Secretary

Article 2 Definitions

201. GENERAL INTERPRETATION.

201.A. For the purposes of this Ordinance, words and terms used herein shall be interpreted as listed in Section 202 of this Ordinance.

201.B. **If a word is not defined by this Ordinance, but is defined by the Zoning Ordinance as amended, then the Zoning Ordinance definition shall apply to this Ordinance.**

201.C. The word "includes" shall mean to specifically include an item but not necessarily be limited to such items.

201.D. Any word or term not defined in this Article or the Zoning Ordinance have a meaning of standard usage as determined by the Planning Administrator, within the context of the word's use within the applicable section of this Ordinance.

202. DEFINITIONS. When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abutting Lots. Two lots that are directly contiguous and/or are only separated from each other by a railroad or a *creek*. See also "Adjacent Lots."

Access Drive. A private minor vehicular right-of-way, other than a road / street or a driveway, providing access from a road/street to *three or more principal buildings* within one lot.

Adjacent Lots. Two lots that are abutting or that are only separated by a street.

Administrator. See Planning Administrator.

Alley. A right-of-way of *less than 20 feet right-of-way width*, privately or publicly owned, that primarily *provides* vehicular access to the rear of properties *and does not serve through traffic*.

Applicant. A landowner or developer, as defined in this section, who has filed an application for development including his/her heirs, successors, and assigns.

Average Daily Traffic Volume. The total number of motor vehicles traveling on a road or street during an average weekday, other than a Friday, Saturday or Sunday.

Block. An area of land or a lot or group of lots, bounded by roads, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the Township or by any combination of the above.

Board of Supervisors. The Board of Supervisors of Upper Milford Township.

Boundary Line Adjustment. Shall have the same meaning as "lot line adjustment."

Buffer Yard. The definition in the Zoning Ordinance shall apply.

Cartway. The paved portion of a street used for vehicular travel, exclusive of a paved or unpaved shoulder.

Clear Sight Triangle. A triangular area required to be designed at road intersections to avoid the placement of certain types of sight obstructions. This triangular area is defined by lines along each road, connected by a third longer leg of the triangle.

Commission. The Planning Commission of Upper Milford Township.

Common Open Space. The definition in the Zoning Ordinance shall apply.

Community Sewer System. A central sewage disposal system that serves a given area and is not publicly owned.

Community Water System. A central water supply system that serves a given area and is not publicly owned.

Condominium. A type of ownership arrangement, not a land use, wherein parts of a building typically are owned separately by persons, and other parts such as halls, stairs, parking areas and recreation areas are owned jointly by such persons. A condominium may be residential, commercial, or industrial in nature. See also the definition in the State Uniform Condominium Act and the definition of "Unit" in the State Planned Communities Act.

Conservation District. The Lehigh County Conservation District.

Contour Line. A line on a topographical map connecting points of like elevation.

Cross Section. A profile of existing ground at right angles to the centerline.

Crown. The height of the center of a roadway surface above its edges.

Culvert. A pipe, conduit or similar structure including appurtenant works, which carries surface water.

Curb. The raised edge of a pavement that confines surface water to the pavement and protects the abutting land from vehicular traffic.

Cut. To lower the level of the surface of an existing grade, or the vertical distance from the existing ground surface to the planned grade line at a given point.

Days. Calendar days.

DEP. The Pennsylvania Department of Environmental Protection, and its successor agencies.

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

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land, as well as sewage disposal systems and water supply systems.

Driveway. *A vehicle travelway that provides access from a street / road to one or two lots, and which is not an "Access Drive."*

Driveway, Shared. *A driveway that provides access to two lots.*

Dwelling Types. The definitions in the Township Zoning Ordinance shall apply.

Easement. A limited right of use granted on private land for public or private use by another party or parties, or a protective condition, as in the case of drainage easements for protection and/or preservation of a specified area.

Engineer, Professional. A person licensed to practice as a professional engineer in the Commonwealth of Pennsylvania.

Engineer, Township. The registered professional engineer designated by the Board of Supervisors to perform all duties required of the Township Engineer by the provisions of this Ordinance.

Farm Building. *A building that is primarily used for the storage of crops or farm equipment or for the raising of livestock or poultry.*

Finished Grade. The proposed elevation of the land surface of a site after the completion of all site *improvement* work.

Floodprone Area. A relatively flat or low land area adjoining a stream, river or watercourse that is subject to partial or complete inundation; or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Grade. The elevation of ground or paving.

Grading. All construction operations between site clearing and building or paving. Grading includes excavating, hauling, spreading and compacting operations.

Improvement Agreement or Development Agreement. An agreement in a form and manner acceptable to Township requiring a developer to install the improvements required by this Ordinance or which appear on the official approved plans.

Land Development. Land Development shall include any of the following activities, unless such definition is revised by a later amendment of the Pennsylvania Municipalities Planning Code:

1. The improvement of 1 or 2 or more contiguous lots, tracts or parcels of land for any purpose involving either or both of the following:

- a. A group of 2 or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single principal nonresidential building on a lot or lots regardless of the number of occupants or tenure, or
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among 2 or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.
2. A subdivision of land.
 3. The following activities are excluded from the definition of land development only when such land development involves the following:
 - a. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than 3 residential units, unless such units are intended to be a condominium; or
 - b. The addition of an accessory structure including a farm building on a lot or lots subordinate to an existing principal building.

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

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

Lot Line Adjustment. The revision or deletion of one or more lot lines in such a way that all of the following are true:

- A. no new lots will be created beyond what was previously approved,
- B. no additional road/street segments or significant changes in alignment are proposed other than what was previously approved,
- C. no additional nonconformities will be created under the Township Zoning Ordinance, and
- D. no new land development will occur other than a land development that was previously approved or buildings to support "crop farming."

Lot, Reverse Frontage. A lot extending between and having frontage on a minor street and either an arterial or collector street, with vehicular access solely from the minor street. The front setback regulations of the zoning district in which the lot is located shall apply to both street frontages.

Maintenance Agreement. An agreement in a form and manner acceptable to the Board of Supervisors requiring the developer of required improvements to make any repairs or reconstructions and to maintain such improvements for a certain period.

Maintenance Guarantee. Financial security which is acceptable to the Township to secure the promise made by a developer in the Maintenance Agreement that required improvements shall be maintained by the developer. (Note: These guarantees typically include acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements).

Major and Minor Subdivisions. See Subdivision, Major and Subdivision, Minor.

Modification. *A process authorized under Section 107 that allows the Board of Supervisors to approve a specific alternative standard.*

Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, as amended.

One Hundred Year Flood. A flood that, on the average, is likely to occur every 100 years, (such as that has a 1 percent chance of occurring each year, although the flood may occur in any year).

Open Space. The area of a lot unoccupied by principal or accessory structures, streets, driveways, parking areas; but may include areas occupied by walkways, picnic pavilions, play equipment and other noncommercial outdoor recreation facilities.

Open Space, Common. The definition in the Zoning Ordinance shall apply.

Open Space, Public. Common open space owned by a government agency or the Township for public recreation.

Ordinance, This. The Upper Milford Township Subdivision & Land Development Ordinance, as amended, and any provisions thereof, enacted by the Board of Supervisors.

Pathway. A pedestrian accessway which is not adjacent to a road/street or access drive and conforms with this Ordinance.

PennDOT. The Pennsylvania Department of Transportation.

Performance Guarantee. Financial security which is acceptable to the Board of Supervisors to ensure that the developer will install required improvements. (Note: This typically includes acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements).

Plan. A map of a land development or subdivision and accompanying notations.

1. Sketch Plan. An informal plan, identified with the title "Sketch Plan" on the map, indicating the general layout of the proposed subdivision or land development.
2. Preliminary Plan. A complete plan identified with the title "Preliminary Plan" accurately showing proposed roads/streets and lot layout and such other information as required by this Ordinance.

3. Final Plan. A complete and exact plan identified with the title "Final Plan" including the plan prepared for official recording as required by this Ordinance.

Planning Administrator or Subdivision Administrator. The staff-person(s) charged by the Board of Supervisors with the responsibility of administering the subdivision application submission procedure.

Planning Commission. Unless otherwise stated, shall mean the Upper Milford Township Planning Commission.

Profile. A line on a drawing which shows elevations of points along a selected route. A profile usually shows both ground elevations and grade elevations.

Public Meeting, Regular Planning Commission. Shall mean a regular meeting of the Township Planning Commission at which such Commission is authorized to conduct official action and which has been scheduled based upon an annual meeting schedule (as may be adjusted by the Chairperson) and which is not a workshop meeting or the official public meeting on an ordinance amendment.

Public Notice. As defined by the PA. Municipalities Planning Code. (Note - As of 2008, this included the following definition: "Notice published once each week for two 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.")

Public Sewer. A sewage disposal system that is owned and operated by a local government authority or by a local public utility company controlled by a government authority.

Public Water. A water supply system that is owned and operated by a local government authority or by a local public utility company controlled by a government authority.

Recreation Land. Land intended for non-commercial recreation by residents of a development or by the general public, and which meets the requirements of Section 1007.

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

Sewage Disposal System. A system designed to collect, treat and dispose of sewage from users in compliance with regulations of PA. DEP and the Township.

1. Central Sewage Service. Service by a sewage disposal system which collects, treats and disposes sewage from more than one lot.
 - a. Public Sewage Service. Service by "Public Sewer" as defined above.
 - b. Community Sewer Service. Service by a "Community Sewer System," as defined above.

2. On-Lot Sewage System. A sewage disposal system which collects, treats and disposes of sewage or holds sewage from only one lot.

Sidewalk. A pedestrian accessway which is adjacent to a road/street or access drive and conforms to the regulations of this Ordinance.

Sight Triangle. The provisions in Section 403 of the Zoning Ordinance shall apply.

Soil Survey. The latest version of the official Soil Survey of Lehigh County, published by the U.S. Natural Resource (formerly "Soil") Conservation Service, or more updated and detailed information prepared by such agency.

State or Commonwealth. The government of the Commonwealth of Pennsylvania and its relevant subparts.

State Planning Code. The Pennsylvania Municipalities Planning Code, as amended.

Steep Slope. An area of 15 percent or greater slope.

Street or Road. A public or private way, excluding driveways, alleys, and access drives, that affords the principal means of access to abutting properties intended to be used by vehicular traffic or pedestrians. Includes street, avenue, boulevard, road, highway, freeway, lane, viaduct, and any other dedicated and accepted public right-of-way or private right-of-way. The term "street" and "road" shall have the same meaning. *Any vehicle access that serves 3 or more lots, other than an alley, shall be considered to be a "street."*

Street or Road Classifications. The functional classifications of streets/roads shall follow the *Zoning Ordinance*. Such classifications may be amended through an amendment of *such* this Ordinance. Streets are classified as Arterial Streets, Collector Streets and Local Streets. An alley is a minor right-of-way, privately or publicly owned, primarily for vehicular access to the rear of properties.

Street or Road, Cul-de-Sac. A type of street which is terminated at one end by a permitted turn-around and which intersects another street at the other end.

Street Grade. The officially established grade of the road/street upon which a lot fronts or, in its absence, the established grade of other roads/streets upon which the lot abuts at the midway of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the road/street at such midpoint shall be the street grade.

Street Line. A line defining the edge of a road/street right-of-way and separating the road/street from abutting property or lots. This is commonly known as the street "right-of-way line".

Street or Road, Marginal Access. A type of local road/street which is parallel and adjacent to collector or arterial road/streets and provides access to abutting properties.

Street or Road, Private. A road/street that is not owned or maintained by the State or the Township.

Subdivider. See "Developer."

Subdivision.

1. The division or redivision of a lot, tract or parcel of land by any means into 2 or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.
2. The subdivision by lease of land for agricultural purposes into a parcel of more than 10 acres, not involving any new street or easement of access or residential dwellings, is not a subdivision.

Subdivision, Major. A "subdivision" that does not meet the definition of a "Subdivision, Minor."

Subdivision, Minor. A subdivision involving not more than 3 total residential or agricultural lots and which does not involve the construction of a new street.

Subdivision Ordinance. The Upper Milford Township Subdivision and Land Development Ordinance, as amended.

Substantially Completed. In the judgment of the Township Engineer at least 90 percent (based upon the cost of the required improvements for which financial security was posted) 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.

Township. The Upper Milford Township, Lehigh County, Pennsylvania. Unless otherwise stated, this shall mean the Board of Supervisors and their authorized agents.

Tree. A perennial woody plant having a main trunk with a diameter of 1.5 inches or greater, unless a differing measurement is provided for a specific purpose of this Ordinance.

USGS. United States Geological Survey, or its successor agency.

Vehicle Trip. A vehicle movement in one direction with the origin or destination within the study area.

Waiver. A process authorized under Section 107 that allows the Supervisors to remove a specific requirement as it applies to an application.

Walkway. A strip of land including a right-of-way dedicated to public use in order to facilitate pedestrian access through or into a block.

Watercourse. Any natural or artificial waterway, stream, river, creek, ditch, channel, millrace, canal, conduit, gully, ravine or wash in which water flows in a definite direction or course,

either continuously or intermittently, and which has a definite channel and bed and shall include any area adjacent thereto subject to inundation by reason of overflow of floodwaters.

Water, Central System or Service. Service by a water system which transmits water from a common source to more than one lot.

- A. Community Water Service. Service by a “Community Water System” as defined above.
- B. Public Water Service. Service by a “Public Water” system as defined above.

Water, On-Lot System or Service. Service by a water system which transmits water from a source on the lot to only one lot.

ARTICLE 3 Overview of General Procedures

301. PURPOSE. This Article summarizes the general procedures for the submission and review of proposed subdivisions and land developments. This Article is only a general explanation and is not binding on the Township or an Applicant. See the actual provisions of the other Articles of this Ordinance.
302. GENERAL PROCEDURE FOR SUBDIVISIONS AND LAND DEVELOPMENTS.
- 302.A. Review and Approval Stages. Three types of plan submissions are established: Sketch, Preliminary, and Final, as outlined below.

Stage	Article of this Ordinance	Type of Proposed Subdivision or Land Development*		
		Land Development	Major Subdivision	Minor Subdivision or Lot Line Adjustment
Sketch Plan	4	Recommended	Recommended	Recommended
Preliminary Plan ***	5	Required****	Required***	Not Required
Final Plan	6	Required	Required	Required**
Guarantee of Improvements Installation	See Article 8			
Recording of Final Plan	See Article 9			

* See definitions in Article 2.

** See Article 7 for Minor Subdivision Final Plan submission and review requirements. See Section 704 for submission requirements for a lot line adjustment.

*** At their option, the Board of Supervisors may grant combined Preliminary/Final Plan approval if the preliminary plan submission meets the requirements of a final plan submission and if the Board of Supervisors determine that there are no outstanding matters.

**** Except where exempted by Section 502.

- 302.B. Sketch Plan. While a Sketch Plan is not required, it is strongly recommended that it be filed to allow the Applicant to consult early and informally with the Planning Commission before preparing a Preliminary Plan. This will often avoid expensive redesign and delay to the applicant.
- 302.C. Preliminary Plan. Preliminary plans are required to be submitted for any major subdivision and for certain land developments, as described above.

- 302.D. Final Plan. After approval of the Preliminary Plan of a major subdivision or certain land developments, and to obtain approval of a minor subdivision, the Applicant files a Final Plan. A Final Plan must be approved prior to recording of the plans by the County and prior to the sale of any lots or the construction of any buildings (see Article 9).
- 302.E. Guarantee of Improvements Installation. Where improvements are required by this Ordinance, in most cases, the Township will require that the Applicant enter into *an improvement agreement* including the posting of financial security sufficient to guarantee the costs of any improvements which may be required. See Article 8.
303. GENERAL PLAN SUBMISSION PROCEDURES.
- 303.A. Submission. Sketch, Preliminary and Final Plans and all required accompanying information are required to be submitted to the Township Staff by delivery in person.
- 303.B. Attendance. The Applicant or his/her duly authorized representative should endeavor to attend the Commission meeting to discuss the filed plans. If the applicant fails to appear at a meeting where the plans will be considered, it may result in plan disapproval, if the Township determines that it resulted in insufficient information to render approval.
- 303.C. Action by the Commission and the Board of Supervisors. The Planning Commission advises the Board of Supervisors on proposed plans. The Board of Supervisors has the authority to approve or deny those plans. There are time limits in State law for approval of a subdivision or land development, unless the applicant grants a time extension.

ARTICLE 4 Sketch Plan

401. PRE-PLAN CONSULTATION. Prior to submitting a Sketch Plan, applicants for developments are encouraged to informally discuss their proposal with the Zoning Officer and/or other appropriate Township Staff. See also discussion of a Site Tour in Section 501.
402. SKETCH PLAN SUBMISSION REQUIREMENTS. Prior to the submission of a Preliminary Plan, applicants are very strongly encouraged to submit a Sketch Plan. **A Sketch Plan Review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning Township Ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time.** When submitted, Sketch Plans shall include the following information:
- A. Submission Requirement. If submitted, 11 print copies of the Sketch Plan and the accompanying application should be submitted to the Township Staff prior to a regular Township Planning Commission meeting. It is requested that a Sketch Plan be provided at least 14 days before a Planning Commission meeting where it will be discussed.
 - B. Drawing Requirements. Any Sketch Plan shall be drafted to approximate scale and is **recommended** to include the following as applicable:
 - 1. Boundary line of the development.
 - 2. Existing Resources and Site Analysis Map: The approximate location of the following:
 - a. Any concentrations of steeply sloped lands (such as 15 to 25%, & greater than 25%)
 - b. Locations of watercourses (with any name), natural springs, ponds, lakes and suspected wetlands (Note - where a detailed wetland study has not been completed, applicants are requested to review the locations of “hydric” soils in the Lehigh County Soil Survey to provide an initial indication of areas are likely to include some wetland areas).
 - c. Any known sinkholes and topical depressions
 - d. Any areas within the 100 year floodplain
 - e. Suggestions from the applicant regarding possible locations of any proposed common open space or recreation land or whether the applicant seeks to pay recreation fees, if applicable
 - f. Any major easements or proposed recreation trails, existing trails and trail easements
 - g. Principal buildings estimated to be 80 years or older that could be impacted by the project
 - h. Major existing utility easements/rights-of-ways that might affect development layout
 - i. Approximate locations of treelines and existing forested areas.

3. Conceptual proposed lot and street layout with approximate areas of lots (such as "2 acres").
4. Site data including:
 - a. Acreage of the entire tract
 - b. Number of lots and types of dwelling units (if residential)
 - c. Zoning District and major applicable lot area and setback requirements
5. North point and scale and a tentative name of the project (may be the developer's name).
6. Approximate proposed locations of any non-residential buildings (if known) and statement of the general proposed types of any non-residential uses.
7. A map showing the general location of the project in relation to nearby roads/streets and creeks (may be a photocopy of USGS or Township base map or a commercial map).
8. Tentative approximate locations of any storm water detention basins and any major stormwater drainage channels.
9. Note stating the general methods of providing water and sewer service
10. Names of any adjacent non-residential uses and any zoning district boundaries in the area.
11. Name and address of person responsible for the preparation of the plan and the date of preparation.

403. SKETCH PLAN REVIEW PROCEDURES.

- A. No official action shall be taken on a sketch plan. The Township shall not be bound by comments made or not made as part of a sketch plan review.
- B. The Township should distribute copies of the sketch plan to the Township Engineer, the relevant Township staff-person and the Planning Commission for advisory reviews.
- C. The sketch plan should be reviewed by the Planning Commission and the Board of Supervisors, with any comments reported to the applicant or his/her representative. It is recommended that the following matters be emphasized in a review of a sketch plan:
 1. The suitability of areas proposed for development and areas proposed as open space.
 2. The most suitable methods of providing street access, including access points onto existing streets, and possible interconnections with existing streets or streets within approved developments.
 3. Methods to reduce the total percentage of the site that will be re-graded, paved or de-forested.

- D. LVPC Review. The Township may forward a copy of the sketch plan to the Lehigh Valley Planning Commission, for any informal review if the Township believes it may have significant impacts.