

# Subdivision and Land Development Ordinance

*Upper Milford Township*

*Lehigh County, Pennsylvania*

**Ordinance No. 176**

As Adopted by the

Upper Milford Township Board of Supervisors

on May 21st, 2026

This Ordinance was prepared under the direction of the Upper Milford Township Board of Supervisors, Planning Commission and Staff.

Community Planning and Zoning Consultant

Gilmore and Associates Inc.

New Britian, Pennsylvania

**ORDINANCE NO. 176**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF  
UPPER MILFORD TOWNSHIP, LEHIGH COUNTY,  
PENNSYLVANIA PROVIDING FOR A COMPREHENSIVE  
REVISION TO THE UPPER MILFORD TOWNSHIP SUBDIVISION  
AND LAND DEVELOPMENT ORDINANCE OF 2010, AS  
PREVIOUSLY AMENDED.**

WHEREAS, Upper Milford Township (“Township”) has previously enacted Ordinance No. 127 known as the “Upper Milford Township Subdivision and Land Development Ordinance” of 2010, as amended; and

WHEREAS, the Township in consultation and review by its Planning Commission and outside consultants has undertaken a review of its existing Subdivision and Land Development Ordinance, as amended;

WHEREAS, the Township is now desirous of enacting a new and updated Subdivision and Land Development Ordinance to be known as the “Upper Milford Township Subdivision and Land Development Ordinance of 2026”; and

WHEREAS, the Township held a public hearing on May 21, 2026, to receive public comment concerning the proposed revisions to its Subdivision and Land Development Ordinance.

NOW THEREFORE, IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Upper Milford Township as follows:

1. Ordinance No. 127, as amended, of Upper Milford Township, is hereby amended by substituting, amending, and adopting the "Upper Milford Township Subdivision and Land Development Ordinance of 2026", a copy of which is attached hereto, made a part hereof, and marked as Exhibit "A".

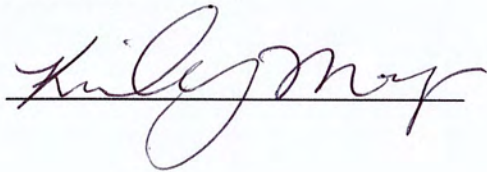
2. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

3. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of this Court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance.

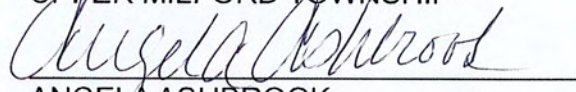
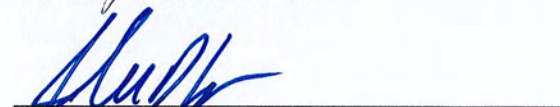
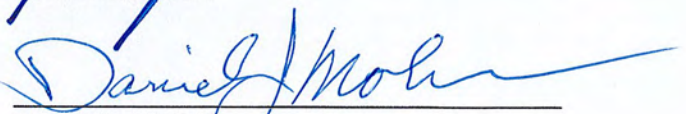
4. This Ordinance shall become effective five (5) days after adoption.

ORDAINED AND ENACTED this 21 day of May, 2026.

ATTEST:



BOARD OF SUPERVISORS OF  
UPPER MILFORD TOWNSHIP

  
ANGELA ASHBROOK  
JOHN ZGURA  
DANIEL MOHR

UPPER MILFORD TOWNSHIP  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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UPPER MILFORD TOWNSHIP  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

**ARTICLE I GENERAL PROVISIONS**

§ 154.001 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.

§ 154.002 SHORT TITLE.

This chapter shall be known and may be cited as “The Upper Milford Township Subdivision and Land Development Ordinance” of 2026.

§ 154.003 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 Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq.

§ 154.004 APPLICABILITY.

- (A) Generally. 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 chapter.
- (B) Lot or parcel that was not a legal lot of record. A lot or parcel that was not a legal lot of record prior to adoption of this chapter 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 § 154.125:

- (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.
- (C) Previous subdivisions. If a parent tract of land has been the subject of the creation of two or more new lots within the previous five years, then any subdivision submittal involving that parent tract shall be required to meet the requirements for a major subdivision.
- (D) Landowner. No subdivision or land development shall be submitted to the Township for review except by the landowner of such land or his or her specifically authorized agent. See definition of “landowner” in § 154.031, which includes equitable owner.
- (E) Zoning. All subdivisions and land developments shall comply with the Township zoning ordinance and other relevant township codes and ordinances.

§ 154.005 EXEMPTIONS.

- (A) Agriculture. The subdivision by lease of land solely for agricultural purposes into parcels of more than ten acres, not involving any new road or easement of access or residential dwelling, shall be exempted from the regulations of this chapter.
- (B) Revisions to township regulations after submittal of an application. Section 508(4) of the State Municipalities Planning Code, being 53 P.S. §§ 10508(4) shall apply.

§ 154.006 INTERPRETATION.

- (A) Standards.
  - (1) The provisions of this chapter shall be interpreted and applied as minimum requirements for the promotion of public health, safety, convenience, and general welfare.
  - (2) Where provisions, standards, and specifications of this chapter 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.
- (B) Illustrations. The illustrations in this chapter are for general illustrative purposes and are not part of the regulations of this chapter.

§ 154.007 MODIFICATIONS AND WAIVERS.

- (A) An applicant seeking a modification or waiver to this chapter shall submit to the Township a request in writing that states:
  - (1) The specific chapter section(s) involved; and
  - (2) The reasons for the request.
- (B) The Township 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 chapter.

- (C) This section is established under § 503(8) of the State Municipalities Planning Code, being 53 P.S. §§ 10503(8), 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.”
- (D) 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.
- (E) 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;
  - (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.
- (F) 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 chapter listed in Subsection (F)(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 Subsection (F) 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 stormwater 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; and
- (g) Allowance of flag lots where necessary to minimize impacts upon natural resources.

§ 154.008 FEES.

- (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 chapter. 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.
- (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 County Conservation District, as well as any other applicable agencies.
- (C) Plans shall not be considered filed until all township fees are paid and the applications are properly signed as required.
- (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.
- (E) The most recent fee schedules are on file in the Township office.

§ 154.009 REVISED PLANS, ALTERNATE PLANS AND RESUBDIVISIONS.

- (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.
- (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 chapter.
- (3) If the Township 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 § 154.108.

#### § 154.010 TOWNSHIP RECORDS.

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

#### § 154.011 AMENDMENTS TO THIS CHAPTER.

- (A) Amendments. The regulations set forth in this chapter may, from time to time, be amended by the Board of Supervisors, following the procedures of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq., as amended, including a Supervisors public hearing (with public notice required by the Municipalities Planning Code, being 53 P.S. §§ 10101 et seq.) and the required legal advertisement.
- (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.

#### § 154.012 APPEALS TO COURTS.

Decisions of the Board of Supervisors may be appealed in accordance with the Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq.

#### § 154.013 ENFORCEMENT.

- (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 or her representatives, to enforce the provisions of this chapter and the accompanying design standards and improvement specifications.
- (B) Inspection. Any action under this chapter is subject to on-site inspection by the Township or its authorized representatives to ensure compliance with this chapter, other township ordinances and the approved plans.

- (C) Remedies. Any action inconsistent with the provisions of this chapter 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 its authorized representatives.

§ 154.014 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, stormwater runoff review, wetland delineation or wetland review, steep slope review or any other review or permit of this chapter, involving any land governed by the provisions of this chapter, 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.

§ 154.015 SEVERABILITY.

It is hereby declared to be the legislative intent that:

- (A) If a court of competent jurisdiction declares any provisions of this chapter 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 chapter shall continue to be separately and fully effective; and
- (B) The Board of Supervisors hereby declares that it would have passed this chapter and each section or part thereof irrespective of the fact that any one or more sections or parts thereof be declared invalid.

§ 154.016 REPEALER.

All other township ordinances or parts thereof that were adopted prior to this chapter and are clearly in conflict with this chapter, including the pre-existing subdivision and land development ordinance, as amended, except any provisions that are specifically referenced by this chapter, are hereby repealed.

§ 154.017 PENNSYLVANIA PLANNING CODE AMENDMENTS.

The provisions of this chapter that only repeat, summarize or reference provisions of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. shall be deemed to be automatically superseded and replaced by any applicable amendments to such provisions of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. at the date such amendments become effective as state law.

§ 154.018 EFFECTIVE DATE.

This chapter shall become effective five days after enactment by the Board of Supervisors.

§ 154.019 ENACTMENT.

Enacted and ordained into an ordinance this day of May 21, 2026.

## ARTICLE II DEFINITIONS

### § 154.030 GENERAL INTERPRETATION.

- (A) For the purposes of this chapter, words and terms used herein shall be interpreted as listed in § 154.031.
- (B) If a word is not defined by this chapter, but is defined by the zoning ordinance as amended, then the zoning ordinance definition shall apply to this chapter.
- (C) The word “includes” shall mean to specifically include an item but not necessarily be limited to such items.
- (D) Any word or term not defined in this subchapter 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 chapter.

### § 154.031 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**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 or 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.** Has the same meaning as **LOT LINE ADJUSTMENT**.

**BUFFER YARD.** The definition in the zoning ordinance shall apply (see § 155.051 of this code of ordinances).

**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 (see § 155.051 of this code of ordinances).

**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, 68 Pa.C.S. §§ 3101 et seq. and the definition of “unit” in the State Planned Communities Act, 68 Pa.C.S. §§ 5101 et seq.

**CONSERVATION DISTRICT.** The Lehigh County Conservation District.

**CONTOUR LINE.** A line on a topographical map connecting points of like elevation.

**COUNTY PLANNING COMMISSION.** Regional planning commission, also known as the “Lehigh Valley Planning Commission (LVPC)”.

**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 human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of manufactured 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 (see § 155.051 of this code of ordinances).

**EASEMENT.** A liberty, privilege or advantage which one has in the lands of another for precise and definite purpose subordinate to, but not inconsistent with the owner's general property rights.

**ENGINEER, PROFESSIONAL.** A person licensed to practice as a professional engineer in the commonwealth.

**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 chapter.

**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 chapter or which appear on the official approved plans.

**LAND DEVELOPMENT.** Includes any of the following activities, unless such definition is revised by a later amendment of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq.:

- (A) The improvement of one or two or more contiguous lots, tracts, or parcels of land for any purpose involving either or both of the following:
  - (1) A group of two 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

- (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; and
- (C) The following activities are excluded from the definition of LAND DEVELOPMENT only when such LAND DEVELOPMENT involves the following:
  - (1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; or
  - (2) The addition of an accessory structure including a farm building on a lot or lots subordinate to an existing principal building.
  - (3) There is less than 200 square feet of cumulative improvements.

**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 or she 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 § 154.007 that allows the Board of Supervisors to approve a specific alternative standard.

MUNICIPALITIES PLANNING CODE. The Pennsylvania Municipalities Planning Code, as amended, being 53 P.S. §§ 10101 et seq.

ONE-HUNDRED YEAR FLOOD. A flood that, on the average, is likely to occur every 100-years, (such as that has a 1% 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 (see § 155.051 of this code of ordinances).

OPEN SPACE, PUBLIC. Common open space owned by a government agency or the Township for public recreation.

ORDINANCE, THIS. The Upper Milford Township Subdivision and 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 chapter.

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.

- (A) FINAL PLAN. A complete and exact plan identified with the title "Final Plan" including the plan prepared for official recording as required by this chapter.
- (B) 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 chapter.
- (C) 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.

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.** 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.

**PUBLIC NOTICE.** As defined by the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. (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 seven 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 noncommercial recreation by residents of a development or by the general public.

**RIGHT-OF-WAY.** Land set aside or designated for public or private streets, roadways, sidewalks, curbs and the installation of public utilities. The term RIGHT-OF-WAY shall also include the ULTIMATE RIGHT-OF-WAY.

(A) **RIGHT-OF-WAY, EXISTING.** The line separating a lot from the area designated for a street or utility purpose.

(B) **RIGHT-OF-WAY, ULTIMATE.** The line separating a lot from the area designated for the eventual expansion of a street, related improvements, or utility rights-of-ways.

**SEWAGE DISPOSAL SYSTEM.** A system designed to collect, treat, and dispose of sewage from users in compliance with regulations of PADEP and the Township.

(A) **CENTRAL SEWAGE SERVICE.** Service by a sewage disposal system which collects, treats, and disposes sewage from more than one lot.

(1) **COMMUNITY SEWER SERVICE.** Service by a COMMUNITY SEWER SYSTEM, as defined above.

(2) **PUBLIC SEWAGE SERVICE.** Service by PUBLIC SEWER as defined above.

(B) **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 chapter.

**SIGHT TRIANGLE.** The provisions in § 155.092 of the zoning ordinance shall apply.

SOIL SURVEY. The latest version of the official soil survey of the 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.

STEEP SLOPE. An area of 15% 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 three 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 chapter. 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 turnaround 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.

- (A) 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.
- (B) The subdivision by lease of land for agricultural purposes into a parcel of more than ten 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 three 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% (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.** Upper Milford Township, Lehigh County, Pennsylvania. Unless otherwise stated, this shall mean the Board of Supervisors and its authorized agents.

**TREE.** A perennial woody plant having a main trunk with a diameter of one and one-half inches or greater unless a differing measurement is provided for a specific purpose of this chapter.

**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 § 154.007 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 III OVERVIEW OF GENERAL PROCEDURES

§ 154.045 PURPOSE.

This subchapter summarizes the general procedures for the submission and review of proposed subdivisions and land developments. This subchapter is only a general explanation and is not binding on the Township or an applicant. See the actual provisions of the other subchapters of this chapter.

§ 154.046 GENERAL PROCEDURE FOR SUBDIVISIONS AND LAND DEVELOPMENTS.

(A) Review and approval stages. Three types of plan submissions are established: sketch, preliminary and final, as outlined below.

Stage	Section of this Ordinance	Type of Proposed Subdivision or Land Development*		
		Land Development	Major Subdivision	Minor Subdivision or Lot Line Adjustment**
<b>Sketch Plan</b>	§§ 154.060 through 154.062	Recommended	Recommended	Recommended
<b>Preliminary Plan***</b>	§§ 154.075 through 154.078	Required****	Required****	Not Required
<b>Final Plan</b>	§§ 154.090 through 154.093	Required	Required	Required**
<b>Guarantee of Improvements Installation</b>	§§ 154.125 through 154.131			
<b>Recording of Final Plan</b>	§§ 154.145 through 154.147			

\* See definitions in § 154.031

\*\* See §§ 154.105 through 154.110 for minor subdivision final plan submission and review requirements; see § 154.108 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 § 154.076

(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.

- (C) Preliminary plan. Preliminary plans are required to be submitted for any major subdivision and for certain land developments, as described above.
- (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 §§ 154.145 through 154.147.
- (E) Guarantee of improvements installation. Where improvements are required by this chapter, 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 §§ 154.125 through 154.131.

§ 154.047 GENERAL PLAN SUBMISSION PROCEDURES.

- (A) Submission. Sketch, preliminary and final plans and all required accompanying information are required to be submitted to the Township by delivery in person.
- (B) Attendance. The applicant or his or 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.
- (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 IV SKETCH PLAN

### § 154.060 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 § 154.075.(B).

### § 154.061 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 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%, and 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 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-way that might affect development layout; and
  - (i) Approximate locations of treelines and existing forested areas.
- (3) Conceptual proposed lot and street layout with approximate areas of lots (such as “two acres”);
- (4) Site data including:
  - (a) Acreage of the entire tract;
  - (b) Number of lots and types of dwelling units (if residential); and
  - (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 nonresidential buildings (if known) and statement of the general proposed types of any nonresidential 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 stormwater 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 nonresidential uses and any zoning district boundaries in the area; and
- (11) Name and address of person responsible for the preparation of the plan and the date of preparation.

§ 154.062 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(s) 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 or 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; and
  - (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.

**ARTICLE V PRELIMINARY PLANS FOR MAJOR SUBDIVISIONS AND CERTAIN LAND DEVELOPMENTS**

§ 154.075 INITIAL STEPS.

- (A) Pre-submission consultation. Applicants are encouraged to informally discuss their proposals with applicable township staff persons or other township officials before preparing engineered plans.
- (B) Site tour. Applicants are very strongly encouraged to cooperate in an on-site tour of the property by township officials. This site tour should be scheduled as soon as possible after the applicant has provided copies of a map of existing conditions. At best, this would occur after a sketch plan has been submitted, but before preliminary plans have been completed.
  - (1) This site tour is intended to informally:
    - (a) Familiarize township officials with the property's existing features, particularly including scenic views and the site's relationship to surrounding areas;
    - (b) Identify potential site design issues that will need to be addressed; and
    - (c) Discuss site design concepts, including the general layout of proposed development and open spaces.
  - (2) Comments made during the site visit shall not be binding upon the Township, and no formal action or recommendation shall be made during the site visit.
- (C) Sketch plan. 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. No official action is required on a sketch plan, so it will not delay the submittal of a preliminary plan.

§ 154.076 SUBMISSION AND REVIEW PROCEDURE.

- (A) Preliminary plan submission required.
  - (1) A preliminary plan submission for a major subdivision or land development (except as provided in Subsection (A)(2) below) meeting all of the requirements of this subchapter shall be filed by the applicant and reviewed in accordance with the provisions of this subchapter.
  - (2) A preliminary plan submission is not required for the following applications, which instead shall meet the requirements in §§ 154.105 through 154.110:
    - (a) A minor subdivision (as defined in § 154.031);

- (b) A submission that only involves a lot line adjustment (as defined in § 154.031) or minor adjustments to a previously approved plan as specified in § 154.108 or a merger or consolidation of lots (also referred as reverse subdivision); or
  - (c) A land development that only involves the addition of less than 3,000 square feet of building floor area on one lot without any additional dwelling units.
- (B) Filing and distribution.
- (1) The applicant shall file with the Township at least 19 calendar days prior to a regular Township Planning Commission meeting (not including a workshop meeting):
    - (a) The required fees; and
    - (b) Copies of the information and plans required under § 154.077.
  - (2) Any subsequent submittal of revised plans shall be submitted at least 19 calendar days before a Planning Commission meeting where the plans are intended to be reviewed, unless permission is granted for a later submittal by the Planning Administrator, particularly when a revision only involves minor technical changes or corrections.
  - (3) When the Township accepts a submittal for review, it is conditioned upon the Planning Commission determining that the submission is complete under Subsection (C) below.
  - (4) The Township shall forward applicable plans and documents to the Township Planning Commission prior to or at the first regularly scheduled Planning Commission meeting after a proper submission.
  - (5) Applicant's distribution; the applicant is fully responsible for the following:
    - (a) Contacting the appropriate utility authorities/companies, as appropriate, including the water supplier to determine availability of service;
    - (b) Seeking at least an informal review by PennDOT of any proposed access onto a state road, and providing PennDOT with sufficient information for such a review;
    - (c) Determining whether any permits or approvals are needed from any agency outside of the Township, including DEP (including any obstruction to a waterway) and the Army Corps of Engineers (including determining whether any "wetland" will be disturbed);
    - (d) Providing a copy of the sedimentation and erosion control plans to the County Conservation District, together with their required review fees, if required by the Lehigh County Conservation District, unless the applicant states in writing in a signed letter to the Township that earth disturbance will not occur until approval of the final plan (in which case the erosion control plan may be submitted at final plan stage);

- (e) Adjacent municipalities: if any portion of a major subdivision or land development: (1) is proposed within 200 feet of the boundary of another municipality; or (2) would clearly have a regional impact upon another municipality as determined by the Township Planning Commission, then the applicant shall provide a copy of the layout plan to that municipality for an advisory review.
  - (f) Providing a copy of the plans and required fees to the Lehigh Valley Planning Commission;
  - (g) Providing copies and making submittals to the Township and review agencies as required under Pennsylvania DEP's sewage planning module process, if applicable; and
  - (h) Providing materials needed by the Sewage Enforcement Officer, if applicable.
- (6) Notice to adjacent landowners.
- (a) At the time of initial submittal of a preliminary plan for any land development or major subdivision, the applicant shall mail or deliver written notice of the proposal to all owners of property that is contiguous or directly across a road from the subject property. Such notice shall include the date, time, and place of the first Planning Commission meeting at which the application is expected to be reviewed, with the phone number of the Township building. Such notice shall include a brief description of the location of the proposed subdivision or land development, and state that copies of the proposal may be reviewed at the Township building. The notice shall state that meetings of the Township on the proposal are open to the public.
  - (b) The applicant or his or her agent shall provide a written and signed statement to certify that such notice was mailed or delivered.
- (7) Each preliminary plan and supporting documents should seek to incorporate any revisions recommended by the Township and Lehigh Valley Planning Commissions, the Township Engineer and other appropriate township officials during any sketch plan review.
- (8) Colored layout plan: it is suggested that the applicant provide one copy of the layout plan that is lightly colored to highlight major features (such as paving, trees, waterways, streets, wetlands and building locations if known) to allow clear understanding by the general public at public meetings.
- (9) Revisions: a detailed list of revisions from a previously submitted plan shall be provided whenever a revised plan is submitted. The developer's plan preparer shall certify that the list of revisions is complete.
- (C) Review by Township Engineer.
- (1) After the plans are duly submitted for review (unless the plans are significantly incomplete), the Township Engineer should review the engineering considerations

of the preliminary plan and prepare a report on such considerations to the Planning Commission.

- (2) The Township Engineer may make additional reports and recommendations to the Commission and the Board of Supervisors during review of the plan.
  - (3) The applicant and/or his or her engineer should make reasonable efforts to resolve technical engineering considerations outside of and prior to Planning Commission meetings.
  - (4) A copy of findings of the Township Engineer should be sent or handed in person to the applicant or his or her representative.
- (D) Review by Commission. The Planning Commission shall accomplish the following within the time limitations of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. (unless the applicant grants a written time extension), while allowing a sufficient number of days within this deadline for a decision by the Board of Supervisors:
- (1) Review applicable reports received from any official reviewing agencies;
  - (2) Provide a recommendation regarding whether the preliminary plan submission meets the requirements of this chapter and other applicable ordinances;
  - (3) Recommend any revisions to the submission that are needed to comply with this chapter or that would generally improve the plan; and
  - (4) Recommend approval, conditional approval, or disapproval of the preliminary plan submission in writing to the Board of Supervisors.
- (E) Review and action by Board of Supervisors. The Board of Supervisors shall:
- (1) Review the recommendation of the Commission and any reports that have been received from reviewing agencies;
  - (2) Determine whether the preliminary plan submission meets the requirements of this chapter and other ordinances;
  - (3) Approve, conditionally approve, or disapprove the preliminary plan submission within the time limits required by the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. As of adoption date of this chapter, this law requires:
    - (a) The Board of Supervisors to act not later than 90 days following the date of the first regular meeting of the Commission held after the preliminary plan has been properly filed for review; but in no case shall the Board of Supervisors' decision be made later than 90 days following the date the submission was accepted as being filed for review, unless the applicant grants a written extension of time; and
    - (b) No subdivision or land development shall be granted final approval until a report is received from the County Planning Commission or until the expiration of 30 days from the date the application was forwarded to the County Planning Commission, whichever comes first.

- (F) Decision by Board of Supervisors.
- (1) The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or by mail at his or her last known address not later than 15 days following the decision.
  - (2) Approval of the preliminary plan submission shall constitute approval of the subdivision or land development as to the character and intensity, but shall not:
    - (a) Constitute approval of the final plan; or
    - (b) Authorize the sale of lots or construction of buildings.
  - (3) If the preliminary plan submission is disapproved, the decision shall: specify defects found in the submission; describe requirements which have not been met; and cite the provisions of the statute or ordinance relied upon in each case.
  - (4) At the discretion of the Board of Supervisors, the Board may grant combined preliminary/final plan approval if:
    - (a) The preliminary plan submission also meets all of the requirements of a final plan submission; and,
    - (b) The Board determines that there are no significant outstanding matters regarding the plan.
  - (5) Acceptance of conditions.
    - (a) If conditions are placed upon an approval, it shall be the responsibility of the applicant or his or her authorized representative, in writing, to accept or reject the conditions within a maximum of 30 days after the date of the decision. If the applicant fails to accept or reject the conditions within such time period, then it shall be presumed that the applicant has accepted all of the conditions upon the approval. If the applicant rejects any condition within such time period, then the approval shall be rescinded, unless a decision of a court determines such condition was not valid.
    - (b) The applicant shall be required to show compliance with all the conditions upon the final plan approval within one year after the date of the decision by the Board of Supervisors unless a written extension is granted by the Board of Supervisors.
- (G) Final plan submission deadline.
- (1) An applicant shall file a final plan within five years from the date of the approval of the preliminary plan by the Board of Supervisors.
  - (2) Failure to comply with this requirement shall render the preliminary plan null and void, and a new preliminary plan submission and approval shall be required.
- (H) Development in stages. See § 154.091(H).

§ 154.077 PRELIMINARY PLAN REQUIREMENTS.

See § 154.076(A) regarding when a preliminary plan is required.

- (A) All of the following information and materials listed in this section are required as part of all preliminary plan submissions for any land development and any major subdivision. This list of requirements shall serve both:
  - (1) To establish the requirements; and
  - (2) As a checklist for the applicant and the Township to use to ensure completeness of submissions.
- (B) The applicant shall submit completed photocopies of the checklist below as part of the application.
- (C) The required information listed in this section may be combined or separated onto different sheets, provided that all information is clearly readable.

Upper Milford Township Preliminary Plan for Major Subdivision or Land Development\*\*  
Checklist and List of Submittal Requirements

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Daytime Phone No(s): \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date of Submittal: \_\_\_\_\_

\* Place checkmarks in the appropriate columns below, except: 1) insert "NA" in the "Not Submitted" column if not applicable and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement. A written request for any waiver or modification is also required under § 154.007.

\*\* See § 154.076(A) concerning which types of "land developments" are required to submit a preliminary plan.

<b>SUBMITTED</b>	<b>NOT SUBMITTED*</b>
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**A. GENERAL SUBMISSION ITEMS:** (Note - the Township may require the submission of additional numbers of copies)

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. 3 copies of completed township application (see Appendix A). |
|-------|-------|---|

**SUBMITTED      NOT  
SUBMITTED\***

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 2. Required township review fee(s).  |
| _____ | _____ | 3. Required township escrow funds (to fund reviews).   |
| _____ | _____ | 4. 2 copies of the preliminary plan checklist (using the photocopies of the pages in this section).  |
| _____ | _____ | 5. 11 print copies of the complete preliminary plans, with original signatures and seals of plan preparers on one "File Copy."   |
| _____ | _____ | 6. 2 additional print copies of only the layout plans, black and white, at a maximum size of 11 in. x 17 in.   |
| _____ | _____ | 7. 2 sets of supportive documents.   |
| _____ | _____ | 8. Notification that applicant provided a copy of the plan to the Lehigh Valley Planning Commission for review.  |
| _____ | _____ | 9. Aerial photo. An applicant for a major subdivision is requested but not required to submit an aerial photo (current if available) of the site, with the boundaries of the site highlighted. |
| _____ | _____ | 10. A digital copy of the submission in PDF format, or other format acceptable to the Township.  |

**B. DRAFTING REQUIREMENTS:** All information shall be legibly and accurately presented.

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|-------|-------|---|
| _____ | _____ | 1. Plans prepared on a standard sized sheet (such as 18 in. x 24 in., 24 in. x 36 in., 30 in. x 42 in. or 36 in. x 48 in.). A plan shall not be smaller than 18 in. by 24 in. in size.            |
| _____ | _____ | 2. Plans drawn to scale of 1 inch = 50 feet or other scale acceptable to the Township Engineer.   |
| _____ | _____ | 3. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds. Curve data shall include radius, arc length, delta angle, and chord bearing and distance. |
| _____ | _____ | 4. Differentiation between existing and proposed features.  |
| _____ | _____ | 5. Boundary line of the parcel, shown as a heavy boundary line.   |

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|  |  | 6. If layout plans involve 2 or more sheets, a map of the layout of the entire project at an appropriate scale on one sheet, and a key map showing how the sheets connect.  |
|  |  | 7. If the parcel(s) crosses a municipal boundary, a map showing both the portions in the Township and the other municipality(ies), in sufficient detail for the Township to determine how the parts will interrelate. |
|  |  | 8. Required profiles shown at a scale of 1 in. = 50 ft. horizontal and 1 in. = 5 ft. vertical, or other scale acceptable to the Township Engineer.  |
|  |  | 9. All sheets numbered and listed on one page.  |
|  |  | 10. Words "Preliminary Plan" and sheet title (such as "Layout Plan") on each sheet.   |

**C. GENERAL INFORMATION:**

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|--|--|---|
|  |  | 1. Name of project on each sheet.   |
|  |  | 2. Name of landowner and developer (with addresses).  |
|  |  | 3. Names and addresses of abutting property owners.   |
|  |  | 4. Lot lines of adjacent lots, and approximate locations of any buildings, common open spaces, detention basins or drainage channels existing or approved within 100 feet of the boundaries of the proposed project.  |
|  |  | 5. Notarized owners statement - see Appendix B.   |
|  |  | 6. Surveyor and plan preparer's statement - see Appendix B.   |
|  |  | 7. Approval/review signature blocks for: Board of Supervisors, Township and Lehigh Valley Planning Commissions - see Appendix B.  |
|  |  | 8. Location map at a standard scale (such as 1 in. = 2,000 ft.) showing the boundaries of the project in relation to the approximate location of the following features within 500 feet from the boundaries of the parcel: existing and proposed streets; waterways; trails; preserved open spaces; parks; and municipal borders. |
|  |  | 9. North arrow, graphic scale, written scale.   |

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|  |  | 10. Date of plan and all subsequent revision dates (especially noting if this is a revision of a previously approved plan) with space for noting future revision dates and general type of revisions. |
|  |  | 11. Deed Book volume and page number from Lehigh County records.  |
|  |  | 12. Tax map number and block and lot and property identification number for the parcel being subdivided.  |
|  |  | 13. A statement on the plan of proposed principal uses that are intended for each lot.  |

**D. EXISTING RESOURCES AND SITE ANALYSIS MAP:**

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|--|--|--|
|  |  | 1. Existing contour lines shown at the same scale as the layout plan, as follows: <ul style="list-style-type: none"> <li>a) Shall be based on a field survey or photogrammetric procedure, with an established bench mark; and,</li> <li>b) The contour interval shall be sufficient to determine compliance with Township ordinances.</li> <li>c) Note: contours are not required to be shown within areas of lots of 10 acres or more that are clearly not intended to be altered as a result of this proposed subdivision or land development, unless needed to determine adequacy of stormwater management.</li> </ul> |
|  |  | 2. Identification of any slopes of 15 to 25% and greater than 25%.   |
|  |  | 3. The locations and names (if any) of watercourses, natural springs, ponds, lakes, floodplains, and wetlands. <ul style="list-style-type: none"> <li>a) Detailed delineations by a qualified professional of wetlands are required with a metes and bounds description and shall be dimensioned from lot lines.</li> </ul>  |
|  |  | 4. Rock outcrops, stone fields, sinkholes, and topical depressions.  |
|  |  | 5. Location of any areas within the 100-year floodplain (with differentiation between floodway and flood fringe if available from official federal floodplain maps).   |

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| _____ | _____ | 6. Approximate locations and abbreviated names of soil types, according to the U.S. Natural Resources Conservation Service or more accurate study, with identification of those that are alluvial, hydric, have a depth to bedrock of less than 3 feet, or a seasonally high water table of less than 3 feet. If such soils do not exist, that shall be stated on the plan. |
| _____ | _____ | 7. Ridgelines and watershed boundaries.   |
| _____ | _____ | 8. Area and location of any proposed common open space.   |
| _____ | _____ | 9. If any common open space is proposed: method of ownership and entity proposed to be responsible for maintenance.   |
| _____ | _____ | 10. If any common open space is proposed: description of intended purposes, proposed improvements (such as rough grading) and any proposed recreation facilities.   |
| _____ | _____ | 11. Any proposed recreation trails, existing trails, and trail easements.   |
| _____ | _____ | 12. Principal buildings estimated to be 80 years or older that could be impacted by the project, with name and description.   |
| _____ | _____ | 13. Existing and proposed utility easements and restrictive covenants and easements for purposes which affect development (stating which easements and rights-of-way are proposed for dedication to the Township).  |
| _____ | _____ | 14. Locations of treelines and existing forested areas, with a description of the approximate average trunk diameter of the older trees on the parcel (such as “less than 12 inches”).  |
| _____ | _____ | 15. Locations of individual mature trees of greater than 18 inches trunk diameter measured at a height of 4.5 feet above the surrounding average ground level, other than trees within forested areas and treelines (not required for areas that will not be affected by the proposed plan, if so noted on the plan).   |
| _____ | _____ | 16. Any proposed screening, buffer yards or earth berming (see zoning chapter).   |

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|  |  | 17. Areas of existing mature woods that are proposed to be protected and preserved or removed.   |
|  |  | 18. General types, sizes, and locations of any required street trees (see § 154.178), paved area landscaping (see township zoning ordinance) and any other major proposed landscaping. |
|  |  | 19. Any proposed fencing (including height and type) and/or landscaping around stormwater basins (see § 154.167).  |

**E. MAN-MADE FEATURES: (with existing features graphically differentiated from proposed features)**

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|--|--|--|
|  |  | 1. Existing and proposed lot lines. <ul style="list-style-type: none"> <li>a. The boundaries of lots (other than a residual lot of at least 10 acres) shall be determined by accurate field survey, closed with an error not to exceed 1 in 10,000 and balanced.</li> <li>b. The boundaries of any residual parcel which is 10 acres or more may be determined by deed (Any residual lot of less than 10 acres shall fully comply with this chapter).</li> </ul> |
|  |  | 2. Location of existing monuments and markers.   |
|  |  | 3. Sufficient measurements of all lots, streets, rights-of-way, easements and community or public areas to accurately and completely reproduce each and every course on the ground.  |
|  |  | 4. Existing and proposed (if known) building locations and land uses.  |
|  |  | 5. Overhead electric high-voltage lines and rights-of-way/easements.   |

**F. ZONING REQUIREMENTS:**

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|--|--|--|
|  |  | 1. Applicable zoning district name, district boundaries and required minimum lot area. |
|  |  | 2. Minimum setback requirements shown for each lot.                                    |

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|  |  | 3. Statement of type of water and sewer service proposed (such as “public water and public sewer”).  |
|  |  | 4. Required and proposed building coverage and impervious coverage (may be stated as “typical proposed” for single-family detached homes). |

**G. PROPOSED LAYOUT:**

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|--|--|--|
|  |  | 1. Total acreage of site and total proposed number of lots and dwelling units.   |
|  |  | 2. Identification number for each lot (and for each building if more than 1 building per lot).   |
|  |  | 3. Lot width (at minimum building setback line) and lot area for each lot.   |
|  |  | 4. Dimensions of each lot in feet.   |
|  |  | 5. Existing rights-of-way and cartway widths and locations of existing streets, including existing streets within 100 feet of boundaries of parcel.  |
|  |  | 6. Proposed rights-of-way and cartway widths and locations of existing and proposed streets, including streets within other developments within 100 feet of the boundaries of parcel.  |
|  |  | 7. Street centerline information including bearings and distances.   |
|  |  | 8. Horizontal curve data including radius, tangent, or arc length and delta, cord bearing and distance. Such information may be listed in a table, using reference numbers on a plan, provided that sufficient information is provided along each course (such as radius and arc length) such that each course can be reproduced in the field. |
|  |  | 9. Right-of-way and curb lines with horizontal curve radii at intersections.   |
|  |  | 10. Beginning and end of proposed street construction.   |
|  |  | 11. Street improvements proposed by the applicant, including any acceleration/ deceleration lanes, traffic signal, street realignment or widening of abutting streets.   |
|  |  | 12. Any proposed curbing (place No in Not Submitted column if not proposed by applicant).  |

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|  |  | 13. Any proposed sidewalks and/or walkways (place No in Not Submitted column if not proposed by applicant), with any proposed handicapped ramps at intersections.  |
|  |  | 14. Any proposed bicycle paths (place No in Not Submitted column if not proposed by applicant).  |
|  |  | 15. Names of existing streets and proposed names of new streets.   |
|  |  | 16. Designation which streets are proposed to be dedicated to the Township or to remain private.   |
|  |  | 17. Evidence that any proposed or higher category new street or driveway entrance onto a state road will meet PennDOT sight distance requirements unless a highway occupancy permit has already been approved for the use. |
|  |  | 18. Sight distance triangles meeting township requirements.  |

**H. UTILITY PLAN:**

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|--|--|---|
|  |  | <ol style="list-style-type: none"> <li>1. As applicable, the following existing and proposed items shall be shown for each lot, using standard symbols that are identified on a legend:           <ol style="list-style-type: none"> <li>a. Well (if not connected to central water system) - with required separation distance shown from septic drain fields, and with dimensions from lot lines;</li> <li>b. Primary drain field (with dimensions from lot lines);</li> <li>c. Secondary drain field - shall be perc tested, and dimensioned from lot lines;</li> <li>d. Suitable soil probe location;</li> <li>e. Suitable percolation test locations (2 sites required meeting DEP requirements);</li> <li>f. Unsuitable percolation test location(s) - if any.</li> </ol> </li> </ol> |
|  |  | <ol style="list-style-type: none"> <li>2. If on-lot sewage disposal service is proposed: (see also “supporting documentation” in Subsection (O) below in this table).           <ol style="list-style-type: none"> <li>a. Proposed contour lines on same sheet as utility layout;</li> <li>b. Location of existing and proposed wells within 100 feet of the boundaries of the parcel;</li> </ol> </li> </ol>   |

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- c. Proposed or typical location of dwelling/building;
- d. Locations of soils with a seasonally high water table averaging less than 3 feet (see county soil survey);

\_\_\_\_\_      \_\_\_\_\_

- 3. If public or central sewage service is proposed:
  - a. Proposed contour lines on same sheet as utility layout;
  - b. Location and size of mains and laterals, with locations corresponding to stationing on the profile;
  - c. Locations of manholes, with invert elevation of flow line and grade at top of each manhole;
  - d. Proposed lot lines and any proposed easements or rights-of-way needed for the utilities;
  - e. Location of all other drainage facilities and public utilities in the vicinity of sanitary sewer lines;
  - f. Type, size, length, and grade of sewer lines.

\_\_\_\_\_      \_\_\_\_\_

- 4. If public or central water service is proposed:
  - a. Location and size of existing and proposed water mains;
  - b. Existing and proposed fire hydrant locations;
  - c. Distance noted that water lines will have to be extended to reach existing lines (if not already abutting the parcel).

\_\_\_\_\_      \_\_\_\_\_

- 5. Any existing and proposed underground natural gas, electrical, telephone, cable TV or other utility lines, with any easements shown that will affect development.

\_\_\_\_\_      \_\_\_\_\_

- 6. List of contacts for all underground utilities in the area, with phone numbers stated on the grading plans (as required by State Act 172).

**I. GRADING AND STORMWATER MANAGEMENT PLAN: Note: § 154.007 may allow deferral of submission of engineering details until the final plan stage.**

\_\_\_\_\_      \_\_\_\_\_

- 1. Existing and proposed storm drainage facilities or structures, including detention basins (with capacity), swales, pipes (with sizes), culverts and inlets.

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|  |  | 2. Capacity, depth, dimensions, and locations of detention basins.  |
|  |  | 3. Pre-development and post-development watershed areas for each detention basin or major drainage channel or point of concentration. |
|  |  | 4. Locations of any proposed or existing stormwater easements.  |
|  |  | 5. Intended design year standards for culverts, bridge structures and/or other stormwater facilities.                                 |
|  |  | 6. Schematic location of all underground utilities.   |
|  |  | 7. Entity responsible to maintain/own any detention basin and other stormwater facilities or conveyances.                             |
|  |  | 8. Any additional information needed under the Township stormwater management ordinance.  |
|  |  | 9. Existing and proposed contour lines (see description under natural features).  |

**J. FOR USES OTHER THAN SINGLE-FAMILY DETACHED OR TWO-FAMILY DWELLINGS:**

- |  |  |   |
|--|--|---|
|  |  | 1. Evidence that the project meets the density requirements of the zoning ordinance, stating maximum and proposed densities.  |
|  |  | 2. Evidence that the project will meet the off-street parking requirements of the zoning ordinance, including existing, minimum, and proposed numbers of spaces.              |
|  |  | 3. Arrangement of off-street parking spaces, parking aisles, off-street loading areas and extent of areas to be covered by gravel or asphalt.                                 |
|  |  | 4. For single-family attached dwellings, any proposed methods to ensure privacy between outdoor semi-private areas (such as fences or walls or plantings between rear yards). |
|  |  | 5. Illustrative sketches of exteriors of proposed buildings (encouraged but not required).  |
|  |  | 6. Location of any proposed outdoor storage areas.  |
|  |  | 7. Note stating total square feet of paved area, including gravel areas.  |

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**K. EROSION AND SEDIMENTATION PLAN: (may be submitted at the final plan stage if the applicant provides a written and signed statement that earth will not be disturbed until after final plan approval)**

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|-------|-------|--|
| _____ | _____ | 1. Drawings showing locations and types of proposed erosion and sedimentation control measures, complying with the regulations and standards of the Lehigh County Conservation District and DEP. |
| _____ | _____ | 2. Narrative describing proposed soil erosion and sedimentation control methods.   |

**L. ROAD PLAN-PROFILES: (with profile drawings on same sheet as plan drawings; unless waived under § 154.007(C))**

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Profile of existing and proposed ground surface along centerline of street.                               |
| _____ | _____ | 2. Proposed centerline grade with percent on tangents and elevations at 50 feet intervals.                   |
| _____ | _____ | 3. All vertical curve data including length, elevations and minimum sight distance as required by Article X. |
| _____ | _____ | 4. Cross-sections as required by the Township Engineer.  |

**M. SANITARY SEWER AND STORM DRAIN PLAN-PROFILES: (with profile drawings on same sheet as plan drawings) (Unless waived under § 154.007(F))**

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Profile of proposed ground surface with elevations at top of manholes or inlets.             |
| _____ | _____ | 2. Profiles of storm sewer and sanitary sewer lines, corresponding to stationing of any street. |
| _____ | _____ | 3. All line crossings of other utilities.   |
| _____ | _____ | 4. Invert elevation and top of grate or manhole elevation.                                      |
| _____ | _____ | 5. Slope and length of pipes.   |

**N. CONSTRUCTION DETAILS:**

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Detailed plan and cross-sectional drawings for detention or retention basins.              |
| _____ | _____ | 2. Typical cross-section and specifications for street construction as required by § 154.163. |
| _____ | _____ | 3. Drainage swale cross-section and materials.  |
| _____ | _____ | 4. Pipe bedding details.  |

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|  |  | 5. Storm drainage structures details, including cross-sectional drawings, any detention basin outfall structure and spillway. |
|  |  | 6. Sanitary sewer structures.   |
|  |  | 7. Curb and sidewalk details.   |
|  |  | 8. Street tree details.   |
|  |  | 9. Erosion and sedimentation details.   |
|  |  | 10. Centralized water details.  |

**O. SUPPORTING DOCUMENTS AND ADDITIONAL INFORMATION:**

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|--|--|---|
|  |  | 1. Sewage planning: if a sewage facility planning module is required by DEP, then prior to preliminary plan approval, the applicant shall submit 2 complete copies for township use, plus the developer shall submit copies of the module and required accompanying plans to various agencies as required under state regulations. The approval of a sewage planning module is not required until final plan approval, but the applicant shall provide evidence that they are forwarding complete submittals to the proper review agencies. |
|  |  | 2. Central water: if central water service is proposed by an existing water company or authority, the applicant shall provide a letter from such water company or authority which states that the company or authority expects to be able to adequately serve the development, that the proposed water system is acceptable.  |
|  |  | 3. Public sewage: if service is proposed by a public sewage provider, the developer shall submit a copy of a letter from the provider which states that the authority can adequately serve the subdivision, that the proposed sanitary sewage system is acceptable.   |
|  |  | 4. Nonpublic sewage: if service is proposed by a central sewage system that is not publicly-owned, the developer shall provide sufficient information to show that the proposed system would be feasible, within DEP regulations and maintained and operated through an acceptable system.  |

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| _____ | _____ | 5. Access to state roads: if access is proposed to a state highway: a) copy of any information submitted to PennDOT and any correspondence from PennDOT regarding the proposed access to state roads (this requirement applies throughout the entire approval process); and b) evidence that the proposed access will meet PennDOT sight distance requirements.   |
| _____ | _____ | 6. Floodplain: if the project would include any area within the 100-year floodplain or any watercourse, a statement from the Zoning Officer and/or Floodplain Administrator indicating that the proposed subdivision or land development would be in compliance with the floodplain regulations of the Township.  |
| _____ | _____ | 7. A statement describing the organization, major officers and principal shareholders of a corporate developer or the general partner of a partnership that is the applicant.   |
| _____ | _____ | 8. Method of ensuring maintenance of any private street.  |
| _____ | _____ | 9. List of any modifications or waivers requested to this chapter.  |
| _____ | _____ | 10. Copies of the decisions of any zoning variances, or special exception use approvals that are relevant to the proposal.  |
| _____ | _____ | 11. Stormwater calculations meeting the requirements of the Township stormwater management ordinance.   |
| _____ | _____ | 12. For industrial operations or industrial storage: a written description of the proposed use in sufficient detail to indicate: a) any noise, glare, smoke and fumes nuisances; b) to allow a general determination of possible fire, explosive, toxic, genetic, public health or other hazards; and c) to estimate the amount, direction and times of any tractor-trailer truck traffic that is expected. |
| _____ | _____ | 13. Traffic impact study if required under Article X.   |
| _____ | _____ | 14. Ground water study if required under Article X.   |
| _____ | _____ | 15. With each revision of a previously submitted plan, the plan preparer shall either: <ul style="list-style-type: none"> <li>a. Certify in writing that no changes were made to the plan, other than changes requested by the Township; or</li> <li>b. List the changes that were made, other than those changes requested by the Township</li> </ul>  |

§ 154.078 CERTIFICATION.

- (A) All certification shall comply with the state professional licensing laws.
- (B) All subdivisions of land shall be certified and stamped by a registered land surveyor.
- (C) At least one set of all plans provided to the Township, including revisions, shall bear original signatures and original seals of plan preparers, which shall be marked as a “Township File Copy.”

## ARTICLE VI FINAL PLANS FOR MAJOR SUBDIVISIONS AND CERTAIN LAND DEVELOPMENTS

### § 154.090 APPLICABILITY.

This subchapter lists the requirements for final plans for a major subdivision or any land development, except that a “land development” that only involves the following may be submitted under the simplified requirements of §§ 154.105 through 154.110:

- (A) A lot line adjustment;
- (B) An addition of up to 3,000 square feet of building floor area with no new dwelling units on an existing lot;
- (C) Minor corrections or minor revisions to a previously approved plan as specified in § 154.108; or
- (D) A merger or consolidation of lots (also referred to as reverse subdivision).

### § 154.091 SUBMISSION AND REVIEW PROCEDURE.

- (A) Final plan submission required.
  - (1) A final plan submission for each major subdivision or land development must be filed by the applicant and reviewed in accordance with the provisions of this subchapter.
  - (2) A final plan shall only be submitted after a preliminary plan has been approved by the Board of Supervisors if a preliminary plan is required.
- (B) Final plan submission deadline. An applicant shall file a final plan submission within five years from the date of the approval of the preliminary plan by the Board of Supervisors. Failure to comply with this requirement shall render the preliminary plan submission null and void, and a new preliminary plan submission must be filed under any currently applicable ordinances.
- (C) Filing and distribution.
  - (1) The applicant shall file with the Township at least 19 calendar days prior to a regular Township Planning Commission meeting (not including a workshop meeting):
    - (a) The required fees; and
    - (b) The information and plans required under § 154.092.
  - (2) Any subsequent submittal of revised plans shall be submitted at least 19 calendar days before a Planning Commission meeting where the plans are intended to be reviewed unless permission is granted for a later submittal by the Planning Administrator.
  - (3) The Township shall forward applicable plans and documents to the Township Planning Commission prior to or at the first regularly scheduled Planning Commission meeting after a proper submission.
  - (4) Applicant’s distribution: it is the applicant’s responsibility to:

- (a) Make agreements with the appropriate utility companies to guarantee applicable provision of service;
  - (b) Submit a complete application to PennDOT for any needed permit for access to or work within a state road right-of-way;
  - (c) Provide information to DEP or other agencies for any permits that might be required;
  - (d) Submit a copy of the soil erosion and sedimentation plan to the County Conservation District, and pay its required review fees, if required by the Lehigh County Conservation District, and if such erosion control plan was not approved at the preliminary plan level;
  - (e) Provide a copy of the plans to the Lehigh Valley Planning Commission, with any required fee;
  - (f) If a sewage facility planning module is required by DEP, the applicant shall submit two complete copies for township use, plus shall submit copies of the module, and plans to various agencies as required under state regulations. A sewage planning module shall be completed and fully approved prior to final plan approval; and
  - (g) Provide information needed by the Sewage Enforcement Officer, if applicable.
- (5) The filing of the final plan shall conform with the approved preliminary plan and any conditions and changes recommended by the Township during the preliminary plan review.
- (6) Revisions.
- (a) A detailed list of revisions from a previously submitted plan shall be provided whenever a revised plan is submitted.
  - (b) The developer's plan preparer shall certify that the list of revisions is complete.
- (D) Review by Township Engineer.
- (1) The Township Engineer shall review the submission and provide a report to the Planning Commission and Board of Supervisors. Such review should be provided prior to the first Planning Commission meeting at which the submission will be discussed.
  - (2) The applicant and/or his or her plan preparer should make reasonable efforts to resolve technical engineering considerations outside of and prior to Planning Commission meetings.
  - (3) A copy of findings of the Township Engineer should be sent or handed in person to the applicant or his or her representative and the Planning Commission.

- (E) Review by Planning Commission. The Township Planning Commission shall accomplish the following within the time limitations of Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. (unless the applicant grants a written time extension), while allowing a sufficient number of days within this deadline for a decision by the Board of Supervisors:
- (1) Review applicable reports received from official review agencies;
  - (2) Consider whether the final plan submission meets the requirements of this chapter and other applicable ordinances; and
  - (3) Recommend approval, conditional approval, or disapproval of the final plan submission in writing to the Board of Supervisors.
- (F) Review by Board of Supervisors.
- (1) The Board of Supervisors shall:
    - (a) Review the recommendation of the Planning Commission and any reports received from official reviewing agencies;
    - (b) Determine whether the final plan submission meets the requirements of this chapter and other applicable ordinances; and
    - (c) Approve, conditionally approve, or disapprove the final plan submission within the time limits established by the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq.
  - (2) As of the adoption date of this chapter, state law requires:
    - (a) The Board of Supervisors to act on the application and render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Township Planning Commission next following the date the 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 the application, or the final order of the court, the said 90-day period shall be measured from the thirtieth day following the day the application has been filed; and
    - (b) No subdivision or land development shall be granted final approval until a report is received from the Lehigh Valley Planning Commission or until the expiration of 30 days from the date the application was forwarded to the Lehigh Valley Planning Commission, whichever comes first.
- (G) Decision by Board of Supervisors.
- (1) Notice to applicant. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him or her at his or her last known address not later than 15 days following the decision.
  - (2) Dedications.
    - (a) The approval of the final plan by the Board of Supervisors shall not by itself constitute an acceptance of the dedication of any street or other proposed

public way, space, or area, unless the such acceptance is specified at such time.

- (b) Any such acceptance of dedication shall only occur after formal action of the Township at such time.
  - (c) As part of an improvements agreement, if the Board of Supervisors elects to accept lands offered for dedication, the submission shall be accompanied by duly executed instruments of conveyance to the Township. Such instruments shall state that the title thereof is free and unencumbered.
  - (d) The Board of Supervisors may require that a subdivider provide title insurance.
- (3) Disapproval. When a final plan submission is disapproved, the decision shall specify defects found in the submission, shall describe requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon in each case.
- (4) Conditions.
- (a) The Board of Supervisors may attach reasonable conditions to an approval to ensure the carrying out of this chapter, other township ordinances and state laws and regulations. If conditions are placed upon an approval, it shall be the responsibility of the applicant or his or her authorized representative, in writing, to accept or reject the conditions within a maximum of 30 days after the date of the decision by the Board of Supervisors. If the applicant fails to accept or reject the conditions within such time period, then it shall be presumed that the applicant has accepted all of the conditions upon the approval. If the applicant rejects any condition, then the approval shall be rescinded, unless a decision of a court determines such condition was not valid.
  - (b) The applicant shall be required to show compliance with all the conditions upon the final plan approval within one year after the date of the decision by the Board of Supervisors unless a written extension is granted by the Board of Supervisors.
- (H) Development in stages.
- (1) If requested by the applicant, the Board of Supervisors may permit the undertaking of the required improvements and the preparation of the final plan to be completed in a series of sections or stages, each covering a portion of the proposed subdivision or land development as shown on the preliminary plan.
  - (2) If final plans are to be filed in sections or stages, each section or stage shall provide sufficient access, utilities, and amenities to allow the development to properly function if future stages are not built.
  - (3) The boundaries of phases and the timing of related improvements shall be subject to the approval of the Board of Supervisors.

- (I) Statement of approval. At the request of the applicant, the Township shall furnish the applicant with a signed copy of a resolution indicating approval of the applicant’s final plan contingent upon the applicant providing a satisfactory financial security. The final plan will not be signed by township officials until a satisfactory financial security is presented. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not provided within 90 days unless a written extension is granted by the Township.

§ 154.092 FINAL PLAN REQUIREMENTS.

- (A) All of the information and materials listed in this section are required as part of all final plans for: (a) A major subdivision; or (b) A land development.
- (B) This list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the Township to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application.
- (C) The required information listed in this section may be combined or separated onto different sheets, provided that the plans will be clearly readable. If a particular plan or item was submitted at the preliminary plan stage, and is still complete and accurate, then the applicant may reference that submittal in the final plan submission instead of providing additional copies.
- (D) Final plan for major subdivisions and certain land developments.

Upper Milford Township Final Plan for Major Subdivision or Land Development  
Checklist and List of Submittal Requirements

Applicant’s Name: \_\_\_\_\_

Applicant’s Address: \_\_\_\_\_

Applicant’s Daytime Phone No(s): \_\_\_\_\_

Applicant’s Signature: \_\_\_\_\_ Date of Submittal: \_\_\_\_\_

\* Place a checkmark in the applicable column below, except: a) insert “NA” in the “Not Submitted” column if not applicable and b) insert “W” in the “Not Submitted” column if a waiver is requested from the requirement. A written request for a waiver or modification is also required under § 154.007.

**SUBMITTED**      **NOT  
SUBMITTED\***

**A. GENERAL SUBMISSION ITEMS: (The Township may require the Applicant to file additional copies).** Same as what is required for Preliminary Plan submissions, plus the following:

- \_\_\_\_\_      \_\_\_\_\_
1. If a sewage facility planning module is required by DEP, the applicant shall submit three (3) complete copies for Township use, plus shall prove that all copies have been sent as required to review agencies.

**B. DRAFTING REQUIREMENTS: All information shall be legibly and accurately presented.** Same as what is required for Preliminary Plan submissions, plus the following:

- \_\_\_\_\_      \_\_\_\_\_
1. Words "Final Plan" and sheet title (such as "Layout Plan") on each sheet.

**C. GENERAL INFORMATION:** Same as what is required for Preliminary Plan submissions.

**D. EXISTING RESOURCES AND SITE ANALYSIS MAP:** Same as what is required for Preliminary Plan submissions.

**E. MANMADE FEATURES:** Same as what is required for Preliminary Plan submissions.

**F. ZONING REQUIREMENTS:** Same as what is required for Preliminary Plan submissions.

**G. PROPOSED LAYOUT:** Same as what is required for Preliminary Plan submissions.

**H. UTILITY PLAN:** Same as what is required for Preliminary Plan submissions.

**I. GRADING AND STORMWATER MANAGEMENT PLAN:** Same as what is required for Preliminary Plan submissions, plus the following:

- \_\_\_\_\_      \_\_\_\_\_
1. Where cuts or fills extend beyond the right-of-way, cross-sections at 50 feet intervals shall be required unless waived by the Township Engineer.

**J. FOR USES OTHER THAN SINGLE FAMILY DETACHED OR TWO-FAMILY DWELLINGS:** Same as what is required for Preliminary Plan submissions, plus the following:

- \_\_\_\_\_      \_\_\_\_\_
1. Number, sign area, height, and location of proposed signs (may be addressed in future zoning application); and,

**SUBMITTED**      **NOT  
SUBMITTED\***

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- 2. Major types and locations of outdoor lighting (may be addressed in future zoning application).

**K. EROSION AND SEDIMENTATION PLAN: (Unless approved at preliminary plan stage and will be unchanged) Same as what is required for Preliminary Plan submissions.**

**L. ROAD PLAN PROFILES: (With profile drawings on same sheet as plan drawings) Same as what is required for Preliminary Plan submissions.**

**M. SANITARY SEWER AND STORM DRAIN PLAN PROFILES: (With profile drawings on same sheet as plan drawings) Same as what is required for Preliminary Plan submissions, plus the following:**

\_\_\_\_\_

- 1. Slope and length of pipes.

**N. ADDITIONAL FINAL PLAN REQUIREMENTS:**

\_\_\_\_\_

- 1. Protective covenants shall be placed on the land providing for:
  - a. clear sight triangle easements; and,
  - b. all needed utility, drainage, maintenance, pedestrian, open space, or other easements.

\_\_\_\_\_

- 2. Required Plan Notations. The following wording shall be required to be placed on any final subdivision or land development plan, as applicable:
  - a. If access will be provided onto a State highway and a required PennDOT Highway Occupancy Permit" has not been granted then the following or closely similar wording shall be stated:

"NOTICE - A PennDOT Highway Occupancy Permit for Lot No(s). \_\_\_ is required pursuant to Section 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 PennDOT Highway Occupancy Permit. No Building Permits, Zoning Permits or Certificates of Occupancy shall be issued for said lot until such time as a PennDOT Highway Occupancy Permit has been secured and filed with the Township. The Township shall not be held liable for damages to persons or property arising out of issuance or denial of a Highway Occupancy Permit by the PA. Department of Transportation, pursuant to Section 508 of the PA. Municipalities Planning Code."

**SUBMITTED    NOT  
SUBMITTED\***

- b. "Well and sewage disposal systems shall be constructed in accordance with standards of the Pennsylvania Department of Environmental Protection."
- c. "Individual owners of lots must receive approval from the Township Sewage Enforcement Officer for a sewage permit prior to undertaking the construction of an on-lot sewage disposal system or building that will need to be served by such a system. Additionally, no development shall occur in the alternative drain field location without the prior written approval of the Zoning Officer and Sewage Enforcement Officer."
- d. "Upper Milford Township does not guarantee that any individual lot or location within a lot will be able to sustain any type of well or sewage disposal system."
- e. Notations stating who is responsible for maintenance of stormwater management facilities and other site improvements.
- f. Notations stating that wetland permits may be required from the Army Corps of Engineers or PA. DEP.
- g. Notations recognizing and stating that Upper Milford Township is not liable and is not providing any guarantee regarding any stormwater, wetland, erosion control or any other review.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Street lighting: (a) existing street lighting; (b) any proposed street lighting (or notation stating none is proposed), including types of poles and intensity of lamps;
- 4. Proposed monument and marker locations.

**O. CONSTRUCTION DETAIL: (following any applicable Township improvement standards)** Same as what is required for Preliminary Plan submissions, plus the following:

\_\_\_\_\_

- 1. Design calculations prepared by a Professional Engineer for any retaining wall with a wall height exceeding 4 feet.

**SUBMITTED      NOT  
SUBMITTED\***

**P. SUPPORTING DOCUMENTS AND ADDITIONAL INFORMATION: Supporting written and data reports submitted at the time of the preliminary plan are not required to be resubmitted unless they need to be revised to reflect changes between the preliminary and the final plans.**

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. A copy of any "Supporting Documentation and Additional Information" that was required for the Preliminary Plan and that needed to be adjusted or revised to reflect changes between the Preliminary and the Final Plan.   |
| _____ | _____ | 2. If the subdivision or land development was not required to submit a preliminary plan, a copy of any supporting information listed in Section 154.077 that is applicable to this project.  |
| _____ | _____ | 3. List of Modifications or Waivers requested to this Ordinance that are needed but have not yet been granted.   |
| _____ | _____ | 4. Deed Restrictions. All private deed restrictions, homeowner or condominium association agreements or covenants already imposed or to be imposed as a condition to sale that may affect the subdivision or land development plan. Any homeowner or condominium association agreement regarding maintenance of utilities and common facilities may be subject to review by the Township Solicitor and acceptance by the Board of Supervisors. |
| _____ | _____ | 5. Dedicated Improvements. The developer shall provide a deed of dedication together with an 8 ½" x 11" plan of each such improvement.   |
| _____ | _____ | 6. Nondedicated Streets Agreement. Agreement for any street not offered for dedication stating who is responsible for the improvement and maintenance of such streets. The developer shall be responsible for such maintenance until the condominium or homeowners' association is established and operational.  |
| _____ | _____ | 7. Open Space Agreement. A formal contract providing for the maintenance of open space and the method of management, together with all offers of dedication and covenants governing the reservation and maintenance of undedicated open space. This agreement is subject to the review of the Township Solicitor and acceptance by the Board of Supervisors.   |

**SUBMITTED**

**NOT  
SUBMITTED\***

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|-------|-------|---|
| _____ | _____ | 8. Storm Drainage Calculations. All calculations relating to facilities appearing on the Grading and Storm Drainage Plan and the Erosion and Sedimentation Plan shall be submitted for review by the Township Engineer. (see § 154.167).  |
| _____ | _____ | 9. Development Schedule. A statement indicating the approximate date when construction can be expected to begin and be completed.   |
| _____ | _____ | 10. State Highway Reviews. The applicant shall submit to the Township a copy of the application to PennDOT for any needed occupancy permit to have access onto a State highway, and shall also submit any review comments received from PennDOT within 5 days of receiving such comments. If a needed permit is not issued prior to Final Approval, such permit shall automatically be a condition of Final Plan approval.  |
| _____ | _____ | 11. Water Certification. If water service is proposed by means other than by private individual wells owned by the owner of each lot, the applicant shall present evidence to the Township that the service will be provided by a certified public utility, a bona fide cooperative association of property owners or by a municipal corporation, authority or utility, as permitted by the Township.<br><br>a. This evidence shall include a copy of 1 or more of the following, as appropriate: a) the "Certificate of Public Convenience" from the PA. Public Utility Commission, b) a copy of an application submitted for such certificate or a cooperative agreement or c) a commitment or agreement to serve the area in question. |
| _____ | _____ | 12. Wetland Statement. The applicant shall provide a signed statement of whether areas of the parcel proposed to be altered, disturbed, or developed includes "wetlands" under the applicable Federal and/or State definitions.   |
| _____ | _____ | 13. If applicable, copy of the wetland study, and qualifications of person who prepared the study.  |
| _____ | _____ | 14. Addresses. Plan showing existing street address numbers of adjacent lots and proposed street address numbers of proposed lots, as issued by the Township.   |

**SUBMITTED**    **NOT  
SUBMITTED\***

\_\_\_\_\_

15. With each revision of a previously submitted plan, the Plan Preparer shall either:
- a. certify in writing that no changes were made to the Plan, other than changes requested by the Township, or
  - b. list the changes that were made, other than those requested by the Township (not including typographic corrections).

**Q. MATERIALS REQUIRED PRIOR TO RECORDING: the following are not required at the time of final plan submission, but are required prior to recording of the final plan and prior to the construction of any buildings.**

\_\_\_\_\_

1. Utilities Agreements and Permits.
- a. All signed agreements or contracts with utility companies, water companies or authorities or sewage companies or authorities for the provision of services to the project.
  - b. Approval letters from all appropriate Federal and State agencies of any private central water supply system or private central sewage disposal system.
  - c. Approved DEP Sewage Planning Module, if applicable.
  - d. DEP Water Quality Management Permit, if applicable.

\_\_\_\_\_

2. See "Record Plan" requirements in § 154.146.

**§ 154.093 CERTIFICATION.**

All certification shall comply with the state professional licensing laws. All subdivisions of land shall be certified and stamped by a registered land surveyor, as required by state law. At least one set of plans provided to the Township (including revisions) shall bear original signatures and original seals of plan preparers and shall be marked as a "Township File Copy."

**ARTICLE VII MINOR SUBDIVISIONS, CERTAIN LAND DEVELOPMENTS AND LOT LINE  
ADJUSTMENTS**

§ 154.105 PURPOSE.

This subchapter provides simplified procedures for submitting and reviewing minor subdivisions, certain land developments and lot line adjustments.

§ 154.106 SUBMISSION AND REVIEW PROCEDURE.

The following submission and review process shall apply for minor subdivisions, lot line adjustments, merger or consolidation of lots (also referred to as reverse subdivision), land developments involving only a single nonresidential building addition of less than 3,000 square feet of building floor area with no additional dwelling units, and what the Township determines to be minor corrections or minor revisions of previously approved plans under § 154.108.

- (A) Final plan submission required. A final plan submission for each application under this section shall be filed by the applicant and reviewed in accordance with the provisions of §§ 154.105 through 154.110. A preliminary plan is not required for a submittal under §§ 154.105 through 154.110.
- (B) Filing and distribution.
  - (1) The applicant shall file with the Township at least 19 calendar days prior to a regular Township Planning Commission meeting (not including a workshop meeting):
    - (a) The required fees; and
    - (b) The information and plans required under §§ 154.105 through 154.110.
  - (2) Any subsequent submittal of revised plans shall be submitted at least 19 calendar days before a Planning Commission meeting where the plans are intended to be reviewed, unless permission is granted for a later submittal by the Planning Administrator.
  - (3) If a state road is involved, the applicant shall forward the required information to PennDOT and apply for a highway occupancy permit. If such permit is not granted prior to final plan approval, then it shall automatically be a condition of final plan approval, and the plans shall not be signed or released for recording by the Township until the PennDOT permit is granted.
  - (4) Each final plan filed for minor subdivisions shall provide the information required by § 154.107. Plans for lot line adjustments shall provide the information required by § 154.108.
  - (5) The applicant shall provide a copy of the plans for review to the Lehigh Valley Planning Commission with the required county review fees. A soil erosion and sedimentation control plan shall be provided to the County Conservation District if required.
- (C) Initial actions by the Township.

- (1) The Township shall review the submission items filed against a checklist for completeness and shall report such review to the Commission at its next regularly scheduled meeting.
  - (2) The Township shall retain in the Township's files one "File Copy" of all materials submitted by the applicant.
  - (3) The Township shall forward the applicable submission information to the Township Engineer and the Township Planning Commission before the next regularly scheduled meeting of the Commission.
- (D) Review by Township Engineer. The Township Engineer should review the engineering considerations in the plan and prepare an initial report on such considerations to the Planning Commission. The Township Engineer may make additional reports and recommendations to the Planning Commission and the Board of Supervisors during review of the plan.
- (E) Review by Planning Commission. The Township Planning Commission should accomplish the following within the time limitations of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. (unless the applicant grants a written time extension):
- (1) Review all applicable reports received from the appropriate review agencies and officers;
  - (2) Determine whether the final plan submission meets the requirements of this chapter and other applicable ordinances;
  - (3) Review the final plan submission and recommend any needed revisions so that the submission will conform to this chapter and other applicable ordinances; and
  - (4) Recommend approval, conditional approval, or disapproval of the final plan submission in writing to the Board of Supervisors.
- (F) Review by Board of Supervisors.
- (1) The Board of Supervisors shall:
    - (a) Review the recommendation of the Commission and any reports received from any other official reviewing agencies;
    - (b) Determine whether the final plan submission meets the requirements of this chapter and other applicable ordinances; and
    - (c) Approve, conditionally approve, or disapprove the final plan submission within the time limits established by the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq.
  - (2) As of the adoption date of this chapter, state law requires:
    - (a) The Board of Supervisors to act on the application and render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Township Planning Commission next following the date the 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 the application, or the final order of the court, the said 90-day period shall be measured from the thirtieth day following the day the application has been filed; and

(b) No subdivision or land development shall be granted final approval until a report is received from the Lehigh Valley Planning Commission or until the expiration of 30 days from the date the application was forwarded to the Lehigh Valley Planning Commission, whichever comes first.

(3) County Planning Commission review. No subdivision or land development shall be granted final approval until a report is received from the Lehigh Valley Planning Commission or until the expiration of 30 days from the date the application was forwarded to the County Planning Commission, whichever shall occur first.

(G) Decision by Board of Supervisors.

(1) The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him or her at the last known address not later than 15 days following the decision.

(2) The approval of the final plan by the Board of Supervisors shall not by itself constitute an acceptance of the dedication of any street or other proposed public way, space, or area, unless such acceptance is specifically made at such time.

(3) Any such acceptance of dedication shall be specifically stated along with the signatures required for approval.

(4) If the Board of Supervisors elects to accept lands offered for dedication, the submission shall be accompanied by duly executed instruments of conveyance to the Township. Such instruments shall state that the title thereof is free and unencumbered. The Board of Supervisors may require an applicant to provide title insurance.

(5) If a final plan submission is disapproved, the decision shall specify defects found in the submission, shall describe requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon in each case.

(6) Conditions.

(a) If conditions are placed upon an approval, it shall be the responsibility of the applicant, in writing, to accept or reject the conditions within a maximum of 30 days after the date of the decision by the Board of Supervisors. If the applicant fails to accept or reject the conditions within such time period, then it shall be presumed that the applicant has accepted all of the conditions upon the approval. If the applicant rejects any condition, then the approval shall be rescinded, unless a decision of a court determines such condition was not valid.

(b) The applicant shall be required to show compliance with all the conditions upon the final plan approval within one year after the date of the decision by

the Board of Supervisors, unless a written extension is granted by the Board of Supervisors.

§ 154.107 MINOR SUBDIVISION FINAL PLAN REQUIREMENTS.

All of the following information and materials listed in this section are required as part of all minor subdivision submissions, other than lot line adjustments or submittals under § 154.108. This list of requirements shall serve as both a list of requirements, and as a checklist for the applicant and the Township to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application.

Upper Milford Township Final Plan Checklist and List of Submittal Requirements

for Minor Subdivisions and Certain Land Developments

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Daytime Phone No.: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date of Submittal: \_\_\_\_\_

\* Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement

**SUBMITTED**      **NOT  
SUBMITTED\***

**A. GENERAL SUBMISSION ITEMS: (The Township may require the Applicant to file additional copies).**

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Three (3) copies of Completed Township Application (see Appendix A).   |
| _____ | _____ | 2. Required Township review fee(s).   |
| _____ | _____ | 3. Required Township escrow funds (to fund reviews).  |
| _____ | _____ | 4. Two (2) copies of the Minor Subdivision Plan Checklist (using the photocopies of the pages in this Section).                         |
| _____ | _____ | 5. Eleven (11) print copies of the complete Subdivision Plans, with original signatures and seals of Plan Preparers on one "File Copy." |
| _____ | _____ | 6. Two (2) sets of Supportive Documents.  |
| _____ | _____ | 7. Notification that a copy of the plans were delivered by applicant to the Lehigh Valley Planning Commission (LVPC).                   |
| _____ | _____ | 8. A digital copy of the Plan submission in PDF format, or other format acceptable to the Township.                                     |

**SUBMITTED      NOT  
SUBMITTED\***

**B. DRAFTING REQUIREMENTS: All information shall be legibly and accurately presented**

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Plans prepared on a standard sized sheet (such as 18"x24", 24"x36", 30"x42" or 36"x48"). A plan shall not be smaller than 18" by 24" in size.  |
| _____ | _____ | 2. Plans drawn at a scale of 1 inch = 50 feet or other scale acceptable to the Township Engineer.   |
| _____ | _____ | 3. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds. Curve data shall include radius, arc length, delta angle, and chord bearing and distance. |
| _____ | _____ | 4. Differentiation between existing and proposed features.  |
| _____ | _____ | 5. Boundary line of the parcel, shown as a heavy boundary line.   |

**C. GENERAL INFORMATION:**

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Name and location of project.   |
| _____ | _____ | 2. Name of landowner and developer (with addresses).   |
| _____ | _____ | 3. Names and addresses of abutting property owners.  |
| _____ | _____ | 4. Notarized Owners Statement (See Appendix B).  |
| _____ | _____ | 5. Name, address, signature, and seal of the plan surveyor and plan preparer (see Appendix B).   |
| _____ | _____ | 6. Approval/review signature blocks for: Township Board of Supervisors, Township Planning Commission and Lehigh Valley Planning Commission (see Appendix B).   |
| _____ | _____ | 7. Location map at a standard scale (such as 1"= 2000') showing the location of the project and watercourses, municipal borders, and existing and proposed streets adjacent to the parcel.                 |
| _____ | _____ | 8. North arrow, graphic scale, written scale.  |
| _____ | _____ | 9. Date of plan and all subsequent revision dates (especially noting if this is a revision of a previously approved plan) with space for future revision dates and notations of general type of revisions. |

**SUBMITTED**      **NOT  
SUBMITTED\***

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 10. Deed Book volume and page number from Lehigh County records.   |
| _____ | _____ | 11. Existing tax map number and block and lot numbers and property identification numbers for parcel being subdivided. |

**D. NATURAL FEATURES:**

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Contour lines shall be: <ul style="list-style-type: none"> <li>a. Based on a field survey or photogrammetric procedure at an interval of 2 feet (or other interval acceptable to the Township Engineer.</li> <li>b. Note- Contours are not required to be shown within areas of lots of 10 acres or more that the Plan states are clearly not intended to be altered as a result of this proposed approval, unless needed for stormwater management.</li> </ul> |
| _____ | _____ | 2. Identification of any slopes of 15 to 25 percent, and greater than 25 percent.  |
| _____ | _____ | 3. Areas within any hydric soils (see Soil Survey of Lehigh County), with a notation that there are none if that is the case.  |
| _____ | _____ | 4. Watercourses (with any name), natural springs, lakes, 100-year floodplain with differentiation between floodway and flood fringe if available from official federal floodplain maps, and wetlands delineated by a qualified wetlands professional.  |
|       |       | 5. Areas of existing mature woods, with areas noted that are proposed to be preserved or removed.  |

**E. MANMADE FEATURES:**

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Existing and proposed lot lines. The boundaries of lots (other than a residual lot of at least 10 acres) shall be determined by accurate field survey, closed with an error not to exceed 1 in 10,000 and balanced. The boundaries of any residual parcel which is 10 acres or more may be determined by deed. |
| _____ | _____ | 2. Location of existing and proposed monuments.   |
| _____ | _____ | 3. Sufficient measurements of all lots, streets, rights- of-way, easements and community or public areas to accurately and completely reproduce each and every course on the ground.  |

**SUBMITTED**      **NOT  
SUBMITTED\***

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 4. Buildings estimated to be 80 years or older that are proposed to be impacted by the subdivision, with name and description.   |
| _____ | _____ | 5. Sewer lines, storm water facilities, water lines, bridges, and culverts.  |
| _____ | _____ | 6. Existing and proposed utility easements and restrictive covenants and easements for purposes which might affect development (stating which easements and rights-of-ways proposed for dedication to the municipality). |
| _____ | _____ | 7. Proposed (if known) and existing building locations and land uses.  |
| _____ | _____ | 8. Easements/covenants addressing maintenance of stormwater easements.   |
| _____ | _____ | 9. Construction details.   |
| _____ | _____ | 10. Erosion and sedimentation plan and narrative.  |
| _____ | _____ | 11. Proposed contour lines.  |

**F. ZONING REQUIREMENTS:**

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Applicable zoning district name, zoning district boundaries and minimum lot area. |
| _____ | _____ | 2. Minimum setback requirements shown for each lot.                                  |
| _____ | _____ | 3. Sufficient information to determine compliance with the Zoning Ordinance.         |

**G. PROPOSED LAYOUT:**

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Total acreage of site and total proposed number of lots and dwelling units.                             |
| _____ | _____ | 2. Identification number for each lot (and for each building if more than one principal building per lot). |
| _____ | _____ | 3. Lot width (at minimum building setback line) and lot area for each lot.                                 |

**SUBMITTED**      **NOT  
SUBMITTED\***

**H. UTILITY PLAN**

\_\_\_\_\_

\_\_\_\_\_

1. Symbols. As applicable, the following existing and proposed items shall be shown for each lot, using standard symbols that are identified in a legend on the plan.
  - a. Well (if not connected to central water system)-with required separation distance shown from septic drain fields, and with dimensions from lot lines.
  - b. Primary drain field (with dimensions from lot lines).
  - c. Secondary drain field - shall be perc tested and dimensioned from lot lines.
  - d. Suitable soil probe location.
  - e. Suitable percolation test locations (2 sites required meeting DEP requirements).

**§ 154.108 LOT LINE ADJUSTMENTS, MERGER OR CONSOLIDATION OF LOTS (ALSO REFERRED TO AS REVERSE SUBDIVISIONS) AND MINOR REVISIONS OF APPROVED PLANS.**

- (A) The reduced submission requirements listed in this section shall apply, together with the procedural requirements of § 154.106, if either of the following apply:
  - (1) The proposal will meet the definition of a “lot line adjustment;”
  - (2) The proposal only involves a merger or consolidation of lots (also referred to as reverse subdivision) including two or more lots merging into one; and/or
  - (3) In the determination of the Township, which may be based upon the advice of the Township Engineer, the proposal will involve revisions to a previously approved plan and those revisions only involve changes in the supporting documentation or engineering details or to correct erroneous data or minor omissions concerning a plan previously granted final plan approval
- (B) The list of requirements in Subsection (E) below shall serve as both a list of requirements, and as a checklist for the applicant and the Township to ensure completion of submissions. The applicant shall submit completed photocopies of this section as part of the application. The required information listed in this section may be combined or separated onto different sheets, provided that the plans will be clearly readable.
- (C) Additional information: the Planning Commission may require that a plan under this section include the submission of specific additional information that would be required if the plan would be a final minor subdivision plan if such specific information is necessary to determine compliance with this chapter.

- (D) A merger or consolidation of lots (also referred to as reverse subdivision) under this section shall result in the formation of one new lot with one new recorded deed for that new lot.
- (E) Township lot line adjustments, merger, or consolidation of lots (also referred to as reverse subdivisions) and minor revisions of approved plans.

Upper Milford Township Lot Line Adjustments, Merger or Consolidation of Lots  
(Also referred to as Reverse Subdivisions) and Minor Revisions of Approved Plans

Checklist and List of Submittal Requirements

Applicant's Name: \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Daytime Phone No.: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_ Date of Submittal: \_\_\_\_\_

\*Place a check in the applicable column, except: 1) insert "NA" in the "Not Submitted" column if not applicable, and 2) insert "W" in the "Not Submitted" column if a waiver is requested from the requirement.

<b>SUBMITTED</b>	<b>NOT SUBMITTED*</b>	
_____	_____	1. Township application/review fee(s)/escrow.
_____	_____	2. Three (3) copies of the completed application (see Appendix A).
_____	_____	3. Two (2) copies of this checklist (using the photocopies of the pages in this section).
_____	_____	4. Four (4) print copies of the complete final plans.
_____	_____	5. Notification of delivery by applicant of a copy of the plan to the Lehigh Valley Planning Commission.
_____	_____	6. Plans prepared on a standard sized sheet (such as 18 in. x 24 in., 24 in. x 36 in., 30 in. x 42 in. or 36 in. x 48 in.).
_____	_____	7. Plans drawn at a scale of 1 inch equals 50 feet or other standard scale.
_____	_____	8. All dimensions set in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds. Curve data shall include radius, arc length, delta angle, and chord bearing and distance.
_____	_____	9. Differentiation between existing and proposed features.
_____	_____	10. Boundary line of the parcel, shown as a heavy line.

**SUBMITTED**

**NOT  
SUBMITTED\***

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 11 Words “Final Plan” and name of project on each sheet.   |
| _____ | _____ | 12. Notarized owners’ statement (see Appendix B).  |
| _____ | _____ | 13. Plan preparer’s statement (See Appendix B).  |
| _____ | _____ | 14. Approval/review signature blocks for Township Board of Supervisors, Township Planning Commission and Lehigh Valley Planning Commission (see Appendix B).   |
| _____ | _____ | 15. Location map at a standard scale (1 in. = 2,000 ft.) showing the location of the project and existing and proposed streets adjacent to the parcel and watercourses and municipal borders.  |
| _____ | _____ | 16. North arrow, graphic scale, written scale.   |
| _____ | _____ | 17. Date of plan and all subsequent revision dates and submission dates (especially noting if this is a revision of a previously approved plan) with space for future revision dates.  |
| _____ | _____ | 18. Existing and proposed lot lines and street rights-of-way.  |
| _____ | _____ | 19. Existing building locations and type of land uses.   |
| _____ | _____ | 20. Applicable zoning district and required minimum lot area.  |
| _____ | _____ | 21. Minimum setback requirements shown for each lot.   |
| _____ | _____ | 22. Note stating type of water and sewer service proposed (such as “well and on-lot septic systems”).  |
| _____ | _____ | 23. Lot width (at minimum building setback line) and lot area for each lot.  |
| _____ | _____ | 24. Dimensions of each lot in feet.  |
| _____ | _____ | 25. List of any modifications or waivers requested to this chapter.  |
| _____ | _____ | 26. As applicable, the following existing and proposed items shall be shown for each lot, using standard symbols that are identified in a legend on the plan: <ul style="list-style-type: none"><li>a. Well (if not connected to central water system)-with required separation distance shown from septic drain fields.</li><li>b. Water line locations if connected to central water system.</li><li>c. Septic tanks &amp; on lot septic absorption areas.</li><li>d. Sewer line locations if not connected to an on lot septic system.</li><li>e. Existing and proposed storm drainage facilities or structures.</li><li>f. Existing easements or rights-of-way</li></ul> |

§ 154.109 CERTIFICATION.

Section 154.078 shall apply.

§ 154.110 RECORDING PLANS.

Sections 154.145 through 154.147 shall apply.

**ARTICLE VIII IMPROVEMENTS GUARANTEES**

**§ 154.125 GUARANTEE OF IMPROVEMENTS INSTALLATION REQUIRED.**

- (A) Before approving any subdivision or land development plan for recording, the Board of Supervisors shall require that the Township be assured by means of a proper improvement agreement and performance guarantee that the improvements required by this chapter and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this chapter.
- (B) Purpose of security: the security required by this subchapter shall stand as security for compliance with all township ordinances, other laws, covenants, stipulations, conditions, and rules applicable to the subdivision or land development for which it is filed.
- (C) No construction of permanent buildings or sales of any individual lot or condominium unit shall occur within a subdivision or land development unless:
  - (1) There is on file, with the Township, current duly executed and approved security; or
  - (2) All rough grading is complete and all required public improvements, utilities, streets, drainage facilities, sewers and street lights have been completed and accepted by the Board of Supervisors.

**§ 154.126 IMPROVEMENTS TO BE PROVIDED BY THE APPLICANT.**

- (A) In all cases, the subdivider or land developer shall be responsible for the installation of all improvements required by this subchapter.
- (B) The Township Engineer or other township designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this chapter. The reasonable costs of such inspection shall be borne by the subdivider or land developer.

**§ 154.127 IMPROVEMENT AGREEMENT.**

- (A) Improvement agreement required.
  - (1) All applicants proposing any subdivision or land development which provides for the installation of improvements required by this chapter or any improvements or amenities which appear on the final plan shall be required to enter into a legally binding improvement agreement with the Township prior to recording of the final plan, unless the applicant agrees to meet § 154.125 concerning the construction of all improvements prior to the construction of any buildings or the sale of any lots or home sites.
  - (2) The improvement agreement shall guarantee the installation of said improvements in strict accordance with all township requirements.
- (B) Terms of improvement agreement. The improvement agreement shall be acceptable in legal form to the Township Solicitor and shall be acceptable in content to the Township Board of Supervisors. The Township may require that an improvement agreement include any of the following items, where applicable, and such additional items as are necessary to carry out this chapter:

- (1) The construction depicted on the approved plans, listed in itemized format, including all approved streets, drainage facilities, utility lines and other improvements;
  - (2) A work schedule setting forth the beginning and ending dates of such work tied to the construction of the development, and provisions to allow proper inspection by the Township Engineer;
  - (3) The provision of a performance guarantee for completion of required improvements in compliance with § 154.128, including a detailed breakdown of the estimated costs of the improvements, including the total amount of the performance guarantee;
  - (4) Provisions concerning the developer's responsibilities for damage to other property, including maintenance by the developer of public liability insurance for the duration of improvements construction, with a hold harmless clause to protect the Township from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the Township prior to such work;
  - (5) Provisions requiring that the applicant and/or other responsible entities ensure that erosion, sedimentation, and stormwater management plans are complied with;
  - (6) Provisions for the dedication of streets, water and sewer lines and any other easements or improvements proposed to be dedicated;
  - (7) See § 154.146 concerning the requirement for a record plan;
  - (8) Provisions for the developer to reimburse the Township for all reasonable engineering costs directly related to the review, construction, and inspection of the proposed development and to the review and preparation of the improvement agreements;
  - (9) Provisions concerning any violations of the improvement agreement;
  - (10) Any other lawful terms which the Board of Supervisors may require to carry out the provisions of this chapter; and
  - (11) Signatures: the improvement agreement shall be signed by all responsible landowners and/or developers.
- (C) Ownership of land and guarantee.
- (1) Certificate. A certificate of ownership in the form of Appendix B shall be executed in the exact name in which title is held. If the developer(s) is someone other than the landowner(s), the developer shall also execute this affidavit, along with a security agreement.
  - (2) Change in ownership or developer. Any conveyance of all or a substantial portion of the unimproved lots or public improvements or streets of any subdivision or land development or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the Board of Supervisors to guarantee validity of the approved plan and conditions. The Board of Supervisors shall require

that such new landowner and/or developer, in writing, fully assume all applicable responsibilities under the improvement agreement, including providing required financial security.

- (D) Utility agreements. If a development will connect into a public water or public sanitary sewage system, the applicable authority, agency, or company may also require separate improvement agreements.

#### § 154.128 PERFORMANCE GUARANTEE.

The performance guarantee for completion of required improvements shall meet the following requirements.

- (A) Security.

- (1) The guarantee shall be secured by the credit of any of the following:
  - (a) An irrevocable and unconditional letter of credit of a federal or state chartered lending institution;
  - (b) A restrictive or escrow account in a federal or state chartered lending institution; or
  - (c) Such other financial security approved by the Board of Supervisors (which approval shall not be unreasonably withheld), but not including a second or third mortgage on the unimproved lands.
- (2) Such approved security shall provide for, and secure to the public, the completion of any improvements which may be required within one year of the date fixed in the improvement agreement for the completion of such improvements.
- (3) Such financial security shall be posted with a federally issued or state chartered lending institution chosen by the party posting the financial security, or such other approved entity, provided such institution or entity is authorized to conduct such business within the state.
  - (a) The Board of Supervisors may require that evidence be provided that such institution or entity has sufficiently adequate and secure assets to cover the security.
  - (b) The Township shall be the authorized signatory on any account in which the escrow funds are held.

- (B) Amount of security.

- (1) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer in the official development schedule, and within the process for increases to cover inflation as permitted by the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq.

- (2) The cost of the improvements shall be established by an estimate prepared by a state registered professional engineer, which shall be reviewed by the Township Engineer, within the arbitration process permitted by the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10101 et seq.
- (3) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.
- (4) Inspection fees: the amount of financial security shall also include an additional 5% of the estimated cost of completion of the work to guarantee payment of inspection fees and related engineering costs.
- (5) Multi-year or multi-stage development. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by phases/stages of development subject to such requirements or improvement guarantees concerning future improvements as it finds necessary for the proper functioning of each phase and for the eventual development as a whole.

§ 154.129 APPROVAL OF IMPROVEMENTS.

- (A) Advance notice by developer of construction of improvements.
  - (1) Meetings: prior to construction or installation of improvements in any new phase or any major facet of construction, the developer or his or her representative shall contact the Township Engineer to determine whether a pre-construction meeting is needed. The Township Engineer may require that such meeting be attended by the responsible contractor(s) and responsible representatives of the developer. In addition, meetings may be required with the utility companies as needed.
  - (2) The developer or his or her representative shall provide a minimum of three business days prior notice to the Township prior to beginning each major facet of construction, in order to allow the scheduling of inspections. See also § 154.163(K)(10), which requires five business days advance notice for street construction.
  - (3) The developer should notify the Township in writing when one-third and two-thirds of the total dollar value of the improvements are completed, and a list of those items completed.
  - (4) See § 154.130(B) concerning improvements completed without proper township inspection.
- (B) Request for release of security. When an improvement has been completed, the party posting the financial security shall notify the Township and request in writing to the Board of Supervisors by certified or registered mail release of related financial security. The developer shall send a copy of that letter to the Township Engineer at the same time.

- (C) Engineer's report.
- (1) Within 30 days of a receipt under Subsection (B) above, the Township Engineer shall submit a written report certifying which improvements have been completed in accordance with the approved plan to the Board of Supervisors and mail a copy of such report by certified or registered mail to the developer or his or her representative at his or her last known address.
  - (2) This report shall be based on the inspections made according to the approved inspection schedule included in the improvement agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
  - (3) If the Township Engineer finds any or all of the improvements to be not as required, he or she shall include a statement of the reasons for recommending their rejection in the report.
- (D) Release of security.
- (1) After receiving the Township Engineer's report (but not later than 45 days of the receipt of the request) the Township shall review the Township Engineer's report and shall authorize release of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed.
  - (2) Until final release (completion of all improvements), the Township may require retention of a maximum of 10% of the cost of each completed improvement.
  - (3) The Township shall notify the developer in writing by certified or registered mail of the decision.
- (E) Completion of unaccepted improvements. The developer shall complete any required improvements that the Board of Supervisors determines are not satisfactory or complete. Upon completion, the applicant may request approval in conformance with the procedures specified in § 508 of the Pennsylvania Municipalities Planning Code, being 53 P.S. § 10508.
- (F) Final release.
- (1) When the developer has completed all of the required and necessary improvements, the developer shall request final release in conformance with the procedures specified in this section. See time limitations and procedures in § 510 of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10510.
  - (2) Such final release shall include all monies retained under Subsection (D)(2) above.
- (G) Appeal. Nothing herein shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the Board of Supervisors or the Township Engineer.
- (H) Certificates of use and occupancy and completion of improvements.
- (1) A temporary or final certificate of use and occupancy shall not be issued and a structure shall not be occupied unless all principal buildings have access to a clearly permanently passable street with at least a complete paving base course and any required curbing installed.

- (2) In addition to Subsection (H)(1) above, no final certificate of use and occupancy shall be issued until the structure is completed as approved with service by all required utilities and with all access onto a street completed to required standards, if applicable.

§ 154.130 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS.

(A) Enforcement of security.

- (1) Generally. The Township shall have the authority to use remedies to effect completion of required improvements as provided in § 511 of the Pennsylvania Municipalities Planning Code, being 53 P.S. §§ 10511. In addition, the Township may pursue civil prosecution of a violation of this chapter.

(B) Construction without inspection. If required improvements have been completed without providing the Township Engineer or his or her representatives with proper opportunity for inspection, and as a result the Township Engineer cannot determine whether the improvements were properly constructed, then the Board of Supervisors may require that the developer, at the developer's expense, remove, replace, sample, test or reconstruct such improvements as necessary to determine compliance with this chapter and other applicable township standards.

- (1) Rate of construction. Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this chapter and a cause for default of the security.

(C) Completion by township. If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install or replace part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.

(D) Proceeds for installation of improvements. The proceeds from use of the security and/or from any legal or equitable action brought against the developer shall be used solely for the installation of the improvements covered by such security and directly related administrative costs.

§ 154.131 MAINTENANCE GUARANTEE.

(A) Maintenance guarantee required. All applicants proposing any subdivision or land development which provides for the dedication of improvements required by this chapter shall be required to provide a legally binding maintenance guarantee to the Township prior to acceptance of dedication of the improvements by the Township. In most cases, this guarantee will be part of the security agreement.

(B) Terms of maintenance guarantee. The maintenance guarantee shall be acceptable in legal form to the Township Solicitor and in content to the Board of Supervisors, and shall include all of the following:

- (1) The applicant make any repair or reconstruction of any improvement stipulated in the maintenance agreement which is specified by the Board of Supervisors if needed because of faulty construction, workmanship, or materials, prior to acceptance of such improvement by the Township;
  - (2) The applicant maintain at his or her own cost all improvements stipulated in the maintenance agreement, up to a maximum period of 18 months from the date of completion, except for any special purpose escrow or maintenance agreements required by the Township; and
  - (3) The applicant post financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a maximum term of 18 months from the date of completion.
- (C) Public utilities and authorities.
- (1) If water mains or sanitary sewer lines, or both and related apparatus or facilities are to be installed under the jurisdiction and under the rules and regulations of a public utility or municipal authority, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority.
  - (2) This amount of financial security shall not also be required by the Township if it is required by such utility or authority.
- (D) Type of security. The maintenance guarantee shall be secured by the same form of security as is permitted for the improvements guarantees.
- (E) Terms.
- (1) Such maintenance guarantee shall be in the form approved by the Township Solicitor and Board of Supervisors, payable to the Township, to guarantee the maintenance and repair of the streets and other public improvements in the subdivision or land development for 18 months from the date of completion.
  - (2) The applicant shall prove to the satisfaction of the Board of Supervisors that there will be an acceptable system for the long-term maintenance of any stormwater detention basins.
- (F) Amount. The amount of the maintenance guarantee shall be determined by the applicant's engineer, conditioned upon acceptance by Board of Supervisors, but shall not exceed 15% of the actual cost of installation of such improvements.
- (G) Release. After a maximum of 18 months from the date of acceptance of dedication of said improvements, the Township shall release the maintenance guarantee to the developer (or party that posted the guarantee) if all improvements are in satisfactory condition, as determined by the Township.

## ARTICLE IX RECORDING OF FINAL PLAN

### § 154.145 RECORDING OF FINAL PLAN.

- (A) Deadline.
  - (1) The applicant is responsible to ensure that the final plan for any subdivision or land development as approved by the Board of Supervisors is provided to the Township Engineer in a form ready for recording within 90 days after such final approval. The Township Engineer or his or her designee shall then record the final plan.
  - (2) If the final plan approval included official conditions that must be met prior to recording, then the plan shall be recorded within 90 days following the compliance with such conditions, up to a maximum total of one year following the final plan approval, unless a written extension is provided by the Board of Supervisors.
- (B) Costs of recording. The applicant shall be required to compensate the Township for costs of the recording.
- (C) Recordation requirements. The final plan shall not be recorded unless the applicant proves that they have met all required conditions that the Township staff and/or Township Engineer determine would impact the recorded final plan, including, but not limited to, issuance of any required PennDOT highway occupancy permit.
- (D) Failure to record. Failure to record the final plan within the specified time periods shall cause the approval to become null and void.

### § 154.146 RECORD PLAN.

- (A) The applicant shall provide to the Township one signed reproducible and four signed paper clear and legible copies of the record plan, unless the County Recorder of Deeds Office may require a different format. The Township copies shall be made after recording, and shall be exact copies of those portions of the approved final plan that the Township requires to be recorded.
- (B) Such record plan, at a minimum, shall include all of the following:
  - (1) Street rights-of-way;
  - (2) Common open spaces;
  - (3) Easements, and any covenants that the Township required to be placed on the final plan;
  - (4) Lot lines and lot dimensions;
  - (5) Water lines, sanitary and storm sewer lines, and stormwater drainage facilities;
  - (6) The required signatures of township officials and the Lehigh Valley Planning Commission staff and the date of township approvals;
  - (7) Notations stating whether the streets, any common open space and other proposed improvements are to be offered or not offered for dedication to the Township;

- (8) Buildings associated with land development applications;
- (9) Proposed curb, sidewalk, and recreation trails;
- (10) Waivers and modifications and Zoning Hearing Board decisions, and associated conditions, and dates of such approvals; and,
- (11) Additional information from the complete final plan that the Township may require be shown.

§ 154.147 EFFECT OF RECORDING.

- (A) Private improvements. Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, open space or improvement until such time it may be offered and officially accepted for dedication to the Township, or is duly condemned.
- (B) Dedication of improvements. The record plan shall state by formal notation whether the streets, any common open space and other proposed improvements are proposed to be offered or not offered for dedication to the Township.

## ARTICLE X DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

### § 154.160 APPLICABILITY.

- (A) Minimum requirements. The design standards and improvements required in this subchapter are the minimum requirements for approval of a subdivision or land development.
- (B) Modifications, waivers, and exceptions. See § 154.007.

### § 154.161 REQUIRED IMPROVEMENTS.

This subchapter sets forth the design and construction standards for required improvements, regardless of whether the improvement will be dedicated to the Township.

### § 154.162 OVERALL REQUIREMENTS; TREE PRESERVATION; EROSION CONTROL.

- (A) Suitability. Land shall be suitable for the purpose for which it is to be subdivided or developed.
- (B) Hazardous conditions. Subdivisions or land developments subject to hazardous conditions (such as open quarries, hazardous or toxic site pollution, limestone solution channels, unconsolidated fill, floods, excessive erosion or unsafe water supply) shall not be approved until the developer has provided or has legally committed to provide adequate measures to overcome or eliminate the hazards, in the determination of the Board of Supervisors, to the best of their knowledge. See also the Township's floodplain requirements in Chapter 151 of this code of ordinances.
- (C) Zoning. All aspects of a proposed subdivision or land development shall conform to the Township zoning ordinance and all other township ordinances and specifications.
- (D) Nearby development. A subdivision or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods to help develop the area harmoniously and to help prevent conflicts between neighboring development.
- (E) Open burning. Open burning during construction is controlled by a separate township ordinance.
- (F) Preservation of existing trees. The provisions in the zoning ordinance shall apply.
- (G) Erosion control and soil protection.
  - (1) Ground cover and top soil: after completion of construction on a lot, all exposed ground surfaces that are not paved and that are not covered by approved gravel areas or decorative stones or similar material shall be covered by a minimum of six inches of topsoil and a vegetative ground cover that will prevent soil erosion and the raising of dust.
  - (2) Erosion control: any earth disturbance should be controlled by proper measures to prevent soil erosion and sedimentation, following DEP regulations and standards of the County Conservation District.

- (a) A soil erosion and sedimentation control plan is required to be submitted to the County Conservation District and found to be acceptable for most types of earth disturbance under the state regulations.
  - (b) Compliance with such plan shall be an automatic condition of any approval or permit under this chapter.
  - (c) Township permits may be suspended if earth disturbance does not comply with such approved plan.
- (3) Both the owner of the property at the time of any earth disturbance and the person(s)/company accomplishing the work shall be responsible to ensure that adequate erosion control measures are used, and that the grading is in compliance with the Township-approved plan.
  - (4) All lots, tracts or parcels shall be graded in accordance with the Township stormwater management ordinance to provide proper drainage away from buildings, prevent any surface runoff from ponding, and all other stated purposes of such ordinance.
  - (5) Grading shall be done in such a way so as to not divert, concentrate, or significantly increase water (other than runoff that previously occurred) onto the property of another landowner without the express consent of the Township and the written permission from the landowner.
  - (6) During grading operations, necessary measures for off-premises dust and mud control shall be exercised at all times in accordance with approved erosion and sedimentation control plans.
  - (7) Grading equipment shall not be permitted to cross through streams. Provisions shall be made for the installation of temporary culverts and/or bridges as necessary and such crossings shall be permitted in accordance with requirements of DEP.
  - (8) Excavations and fills.
    - (a) Cut and fill slopes shall be no steeper than two to one (2:1) unless stabilized by a retaining wall or cribbing except as approved by the Township Engineer under special conditions. Slopes exceeding three to one (3:1) must have suitable protection against erosion until stabilization is achieved.
    - (b) Fills shall be placed and compacted so as to minimize sliding or erosion of soil.
    - (c) Fill shall not encroach on watercourses.
    - (d) Fill places adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

§ 154.163 STREETS.

- (A) Access to streets.

- (1) Generally. All proposed subdivisions and land developments shall have adequate and safe access to the public street system.
- (2) Frontage.
  - (a) Any lot created under this chapter shall have frontage and access onto either:
    1. A public street (which may be required to be improved as necessary under Subsection (L) below); or
    2. A private street constructed to the same standards as a public street and that has a permanent system to ensure adequate maintenance.
  - (b) If a residential lot is adjacent to two streets, it shall only have vehicle access onto one street. Such limitation shall be stated on the plan.
- (3) Private streets and an existing lot. A pre-existing lawful lot of record that abuts an existing private street that does not meet township standards may have access for a single principal use onto such private street, but no new lot shall be created with access onto such street.
- (4) Access for emergency vehicles.
  - (a) Suitable access for emergency vehicles shall be provided within all subdivisions and land developments, including adequate clear width, and including access to reach all principal buildings. Driveways shall be designed to be accessible to emergency vehicles. Driveways that are greater than 100 feet in length and that provide access to a principal building shall have a ten-foot minimum horizontal clearance, a 12-foot minimum vertical clearance and be designed to accommodate the weight of a fire engine with a 73,000 pound aggregate vehicle weight.
  - (b) Where an access is limited to use by emergency vehicles, the following standards shall apply:
    1. A township-appointed method shall be used to restrict access by non-emergency vehicles, with such construction detail submitted to the Township;
    2. One coordinated emergency accessway may be shared by adjacent developments;
    3. Existing or proposed utility easements or rights-of-way should be considered for use as emergency accessways;
    4. The applicant shall provide evidence that the design of the emergency access will be able to accommodate the weight of emergency vehicles; and
    5. Such access should be offered for review by the local fire company.

- (B) Streets and topography. Proposed streets shall be adjusted to the contour of the land to produce usable lots and reasonably sloped streets. See the street grade regulations in Subsection (F) below.
- (C) Street continuations.
- (1) Stub street right-of-way.
    - (a) Where deemed necessary by the Board of Supervisors for efficient movement of traffic, a subdivision or land development shall include the extension of a street right-of-way to the boundary line of the parcel proposed for development to provide for an eventual extension into the adjacent tract for efficient circulation of traffic throughout the area. If a stub street is constructed, see Subsection (I)(4) below, which addresses temporary turnarounds.
    - (b) The Township may require that a concept sketch be submitted showing that the proposed stub street is at a logical location to link with an adjacent parcel.
  - (2) Widening. Where a subdivision or land development abuts or contains an existing Township street of inadequate cartway or right-of-way width, additional right-of-way and/or cartway width shall be required conforming with Table 154.163: Design Standards for Streets. See Subsection (L) below concerning right- of-way.
- (D) Intersections.
- (1) Generally. The centerlines of streets shall intersect at right angles except where the Board of Supervisors grant a modification under § 154.007 after finding that a right angle intersection is not feasible. In such case, the intersection shall be at as nearly a right angle as possible, with an absolute minimum angle of 75 degrees.
  - (2) Alignment of street intersections.
    - (a) No more than four legs of streets shall intersect at one point, regardless of the names given to each street.
    - (b) Where a proposed street, driveway or access drive intersects an existing cross street, such proposed street, driveway or access drive shall be aligned with any street intersecting on the other side of the cross street.
    - (c) If a proposed street cannot intersect at the same location as a street on the other side of the cross street, then the proposed street shall be offset by the following minimum distances from the nearest intersection of streets:
      1. One hundred and fifty feet along a local street;
      2. Four hundred feet along a collector street;
      3. Eight hundred feet along an arterial street; and
      4. Measurement: the minimum distances of this Subsection (D)(2)(c) shall be measured between the points where the centerlines of the

rights-of-way of the intersecting streets intersect with the centerline of the cross street.

- (3) Curb lines. At street intersections, curb lines shall be rounded by arcs with the radii listed below, whichever is most restrictive. The right-of-way shall be maintained at least ten feet from the inside of the curb line or edge of pavement. A larger radius may be required by the Township where necessary for trucks or buses (such as off-site intersections) or by PennDOT.

Type of Street	Minimum Radius of Arc at Intersection of Pavement Edge or Curb Line (feet)
Any street within an industrial district or that provides truck access to an industrial district	55
At least one arterial street, other than above	40
At least one collector street, but no arterial street, other than above	30
Local streets, other than above	15

(E) Access management.

- (1) All access to commercial and office lots within a subdivision or land development shall use internal access and shared driveways to the maximum extent feasible, as opposed to separate driveway access to roads from individual uses and lots.
- (2) See § 154.172 concerning access connections between commercial use parking lots.
- (3) A maximum of one access shall be permitted per lot onto any one arterial road. A maximum of one additional access point may be permitted if the applicant demonstrates through a capacity and circulation analysis that an additional access point is necessary to accommodate traffic to and from the site and can be achieved in a safe and efficient manner, or where specifically required by PennDOT.
- (4) Lawful existing commercial lots that do not limit vehicle access to defined driveway locations shall be brought into conformance with this chapter and the driveway width requirements of the zoning ordinance as a condition of a new subdivision or land development approval or where such change is required under a state highway occupancy permit.
- (5) Unless specifically required otherwise by the Township or PennDOT, where a property fronts on two or more roads, access shall be obtained from the lowest functional classification road.
- (6) See maximum driveway slope at approaches to a road in § 154.171.

- (7) See minimum and maximum width of driveway openings in Chapter 155 Article IX Off-Street Parking and Loading of this code of ordinances.
  - (8) See sight distance requirements in Subsection (H) below.
  - (9) For nonresidential driveways the radii shall be designed to accommodate the largest vehicle expected to frequently use the driveway unless otherwise recommended by PennDOT. Except for joint driveways, no portion of a driveway radius may be located on or along the frontage of an adjacent property.
- (F) Street design standards.
- (1) Minimum street design standards.
    - (a) Minimum street design standards shall be as shown in Table 154.163, unless PennDOT establishes a more restrictive requirement along a state road.
    - (b) Rear or side alleys, where approved, shall have a minimum cartway width of 16 feet for two-way traffic and 12 feet for one-way traffic.
  - (2) Shoulders: in addition to the cartway widths stated above, any street that does not have curbs shall include appropriate eight feet wide shoulders along each side of an arterial street, six feet wide shoulders along each side of the cartway of a collector street and four feet wide shoulders on each side of the cartway of a local street.
    - (a) See construction standards in Subsection (K) below.
    - (b) If the shoulders are paved, they shall be separated by a stripe from the travel-lanes.
  - (3) Horizontal curves shall connect street lines that are deflected in excess of two degrees. Vertical curves shall be used at changes of grade exceeding 1%. The length of the vertical curve shall be determined by the required sight distance specified in Table 154.163. Vertical curves shall be calculated following the latest published standards of PennDOT. Horizontal curves shall be calculated based upon the following AASHTO formula:  $R_{min} = V^2 / 15 * (0.01e + f_{max})$ .
  - (4) All approaches to intersections shall have a leveling area not greater than 4% grade for a minimum distance of 25 feet, measured from the nearest edge of cartway of the intersecting street. Vertical curves near an intersection on a local street may be reduced to a 20 mph design speed if a stop condition will be utilized.
  - (5) The minimum grade of any street gutter shall be 1.0%.
  - (6) A minimum tangent of 100 feet, measured from edge of cartway, shall be required between a curve and a street intersection.

Table 154.163: Design Standards for Streets (All Dimensions in Feet Unless Specified)

DESIGN SPECIFICATIONS	TYPE OF STREET		
	Arterial	Collector	Local
Right-of-way width	80 <sup>4</sup>	60 <sup>4</sup>	50
Cartway width	32	32	36
Plus acceleration/deceleration lane width (where determined to be needed by the Board of Supervisors or PennDOT)	11	11	NA
Minimum sight distance <sup>1</sup>	500	300	200
Minimum tangent between reverse curves, measured along the street centerline	200	100	100
Minimum centerline radii for horizontal curves	500 <sup>2</sup>	300	200
Maximum grade <sup>3</sup>	6%	8%	10%
Minimum grade	1%	1%	1%

1- These standards are for road sight distance, not clear sight distance at intersections. Horizontal sight distances shall be measured from a point 3.5 feet above the road surface to a point 6 inches above the road surface, and shall be based upon standards of PennDOT.

2- Larger radii may be required as determined to be needed by the Township Engineer or PennDOT. The Township may approve a reduced horizontal curve requirements if the applicant proves that the curve would not typically cause vehicles to cross the centerline and if such reduction if proven to be necessary because of the unique conditions of the property.

3- Up to 400 feet of length of a local street may have a maximum grade of 12% if the Township determines a less steep grade is not feasible.

4- As may be established by PennDOT along a state road.

- (7) Second access to development: any subdivision or land development of more than 25 dwelling units shall have at least two means of vehicle access into the development. The second means of access may be limited to emergency vehicles, provided the applicant proves the access will be properly designed for its intended purpose. See Subsection (A)(4) above regarding emergency access.
  - (8) Boulevard entrance: where the Board of Supervisors determine that additional measures are needed to make sure that a street entrance to a subdivision or land development will not be obstructed, the Supervisors may require that a boulevard-type of street entrance be used. The intent is to separate entrances and exits so that both sides of the street are unlikely to be obstructed at the same time. This shall include a one-way entrance of at least 20 feet width and a one-way exit of at least 20 feet width, separated by an island at least ten feet in width, with a right-of-way width of 70 feet.
  - (9) See Subsection (L) below regarding improvements to existing streets.
- (G) Street crown.
- (1) With the exception of alleys and divided streets, streets shall be constructed with a center crowned cross-section with a minimum slope of 2% and a maximum slope of

4% from the street centerline, unless required otherwise by PennDOT for a state road.

(2) An alley may have an inverted crown.

(H) Minimum sight distance.

(1) An applicant for access for a new street, access drive or driveway onto a street shall prove that the new access would meet the same PennDOT sight distance requirements. See § 441.8 of PennDOT highway occupancy regulations, or its successor sections, including the safe stopping sight distance table.

(2) If the applicant proves to the Township that it is not possible to meet the desirable sight distances that are stated in PennDOT regulations, then the intersection shall be located at the point of maximum sight distances that are achievable within the street length of the property and shall meet the minimum required safe sight distances set forth in such PennDOT regulations.

(3) In the event that the applicant proves to the Township that the minimum required safe sight distances cannot be met, then the Board of Supervisors may require one or more of the following:

(a) Require that the intersection be located at the point where maximum sight distance can be achieved;

(b) Restrict turning movements into or out of the intersection (such as no left turns into or out of the intersection);

(c) Require the installation of a right turn acceleration or deceleration lane;

(d) Require the installation of a left turn standby lane;

(e) Require that the horizontal or vertical alignment of the street be altered;

(f) Require an alternative form of access, such as a shared driveway with another lot, or access onto a different street; and/or

(g) Deny approval of the plan on the grounds that the minimum safe distance requirement cannot be met and that therefore public safety cannot be adequately protected, and/or that any restrictions on turning movements would not be practical or would have adverse impacts upon other properties and streets that may be used for turnarounds.

(4) In the event that turning movements from an intersection are to be restricted, the applicant shall provide a detailed design of the proposed intersection and an engineering analysis of the anticipated impacts resulting from such restricted turning movements. The design and analysis shall be prepared by a professional engineer with expertise in traffic engineering, and shall address the following:

(a) The impacts on other lots and streets within the vicinity that may be used by motorists for turnarounds;

- (b) The impacts on public safety, considering sight distance and types of vehicles; and
  - (c) The provision of appropriate methods to ensure compliance with the turning restrictions, such as channelization, alignment, and signage. Such methods meet applicable standards of PennDOT.
- (l) Cul-de-sac streets.
  - (1) Cul-de-sac streets shall be permitted with a maximum length of 1,000 feet. Cul-de-sac streets shall be provided with a turnaround with a minimum paved radius of 50 feet to the face of the edge of the cartway. The radius of the right-of-way line return between the bulb and stem of cul-de-sacs shall be a minimum of 150 feet. The curb line or pavement edge radius shall be a minimum of 160 feet.
  - (2) The circular right-of-way of the cul-de-sac shall maintain a minimum ten feet width between the edge of paving and the edge of the right-of-way. The circular paving of the cul-de-sac shall be connected to the approach paving by an arc having a radius of not less than 50 feet.
  - (3) The Board of Supervisors may permit acceptable alternative turnaround designs where adjustments are needed because of topography.
    - (a) The turnaround shall have a sufficient radius to allow movement by school buses, snow plows and delivery trucks, even if a vehicle is parked along the side of the cartway. To accomplish this, a 45-foot radius turnaround shall be required as part of an alternative design and a 24-foot wide paved cartway shall be provided.
    - (b) Where a landscaped island is approved in the center of the cul-de-sac, any curbing should be of a mountable design to provide better access for emergency vehicles. The Township may require the establishment of a homeowner association to maintain any landscaped island.
  - (4) No street shall dead-end without an approved turnaround at the end of the street. Temporary stub streets shall be required to include at least a temporary cul-de-sac, if the stub would be longer than 150 feet or serve more than two dwellings or lots. In such case, the temporary cul-de-sac land area that is excess shall revert to the adjacent landowners after the turnaround is no longer used. Areas of a temporary cul-de-sac turnaround that is within a proposed street extension shall be constructed to public street construction standards. Areas outside of such street extension shall be constructed with a minimum of six inches depth of compacted PennDOT Type 2A aggregate or better.
  - (5) The maximum cross slope on the circular part of a cul-de-sac shall be 6%.
  - (6) A cul-de-sac street shall serve a maximum of 25 dwelling units or 250 trips per weekday for nonresidential uses. See also Subsection (F)(7) above.
  - (7) A snow storage easement shall be established at the end of the cul-de-sac, which shall provide for proper drainage as the snow melts. This easement shall be located so that a snow plow can push snow relatively straight from the street to the far end

of the cul-de-sac. This snow storage easement shall be located clear of any driveways, mail boxes and electric transformers, and have a minimum width of 40 feet. The snow storage easement shall not obstruct any inlet, and any curbing shall be depressed at the easement. The required curb reveal shall be determined in the field by the Township Engineer.

- (8) The Township may require that a cul-de-sac street near the edge of a subdivision or land development include provisions to allow the street to be extended in the future onto an adjacent tract. This shall include provisions for a public street right-of-way to the edge of the tract. In such case, the construction costs to extend the street shall be borne by the adjacent developer in the future.
- (J) Maintenance of a non-public street. As a condition for final plan approval, the developer must enter into a legally binding agreement which shall state who is to be responsible for the improvement and maintenance of any street not approved to become dedicated in the future. If an association of property owners is to be made responsible, such association must be legally organized according to a timetable approved by the Township.
- (K) Street design and construction standards.
  - (1) Generally. Streets (and alleys where provided) shall be graded, improved, and surfaced to the grades and dimensions shown on plans, profiles and cross-sections submitted by the developer and as approved by the Board of Supervisors and shall meet applicable township standards.
  - (2) Right-of-way grading.
    - (a) The right-of-way shall be graded according to the cross-section submitted by the applicant after it has been approved. The excavation shall be backfilled and suitably compacted to meet PennDOT standards.
    - (b) The finished street surface shall be crowned in conformance with the Township specifications.
    - (c) A proper super-elevation (banked curves) shall be provided on arterial and collector streets when required by the Township Engineer.
  - (3) Grading beyond right-of-way.
    - (a) The subdivider or developer may be required to grade beyond the right-of-way line in order to provide continuous slope from the right-of-way line to the existing/proposed elevation of the abutting property.
    - (b) Such grading beyond the right-of-way shall generally maintain the original directions of slope except where stormwater runoff designs dictate changes.
    - (c) Approved plans, either preliminary or final, showing proposed grading, shall be binding upon all future lot owners, unless altered by written permission from the Board of Supervisors.

- (d) In no case shall the required street grading extend onto an adjoining property with a different landowner unless the other adjoining property owner gives a written agreement to the developer to accomplish such work. A copy of such agreement shall be provided to the Township.
- (4) Trench excavation. All trenches excavated within the cartway of an existing or proposed public street or right-of-way shall be mechanically compacted with backfill to meet PennDOT standards. See also federal occupational and safety regulations for trenching.
- (5) Drainage. Drainage of streets shall comply with the Township stormwater management ordinance.
- (6) Street construction standards. All street pavements shall comply with the provisions of this section, except that PennDOT shall determine the required cross-section for a state road.
  - (a) All materials, construction procedures and other specifications shall be in conformance with the PennDOT Publication 408.
  - (b) An eight inch minimum compacted depth stable sub-base shall be provided, using PennDOT Type 2A aggregate or better, unless the Township pre-approves an alternative sub-base. The sub-grade shall be properly rolled and crowned.
    - 1. The Township may require a greater depth where necessary considering the conditions of the sub-grade. Materials that are unsuitable, wet soils and soils subject to frost-heave shall be removed and replaced, drained, or otherwise stabilized to handle anticipated loads.
    - 2. The Township may require field and/or laboratory testing of the sub-grade, particularly if on-site shale is proposed to be used.
    - 3. The Township may require compaction tests, with the Township's costs reimbursed by the developer.
  - (c) A four-inch minimum compacted depth 25 mm Superpave hot mix asphalt base course shall be provided.
  - (d) For local streets, a one and one-half inch minimum depth nine and one-half mm Superpave hot mix asphalt wearing course shall be provided. Such depth shall be two inches for a collector street and three inches for an arterial street.
  - (e) Where shoulders are required, PennDOT "Type 3" or better shoulders shall be provided on each side of the travelway.
  - (f) All street construction materials shall be certified in writing by the supplier as meeting PennDOT or township specifications as applicable. The Township may require that a developer provide testing results for paving materials.

- (7) Sub-drains. In poorly drained areas, suitable sub-grade drains or parallel drains may be required by the Township. Sub-grade drains shall conform to PennDOT Publication 408 and shall be provided with a suitable outlet.
- (8) Alleys. Alleys serving more than one lot shall be constructed with a five-inch minimum compacted depth stone sub-base, two-inch minimum compacted depth bituminous base course, and a one and one-half inch minimum compacted depth surface course.
- (9) Guide-rails.
  - (a) Streets shall be designed with geometric features that minimize the need for guide-rails. Guide-rails shall only be installed where the result of striking an object or leaving the roadway would be more severe than the consequence of striking the guide-rail.
  - (b) Guide-rails shall be installed by the developer where necessary to meet the guide-rail standards in the PennDOT publication entitled Guidelines for Design of Local Roads and Streets or where otherwise required by the Board of Supervisors. Guide-rails shall meet the construction standards of PennDOT Publication 408 and PennDOT Standards for Roadway Construction.
- (10) Street inspections: the entity constructing a street shall provide the Township Engineer with a minimum five business days' advance notice before the start of initial construction of improvements and a minimum two business days' advance notice before the following street construction is accomplished so that an inspection may be scheduled:
  - (a) Excavation of the road site;
  - (b) Preparation of the road sub-grade;
  - (c) Installation of the road sub-base;
  - (d) Compaction of the base course; and
  - (e) Installation of paving material.
- (L) Required transportation improvements.
  - (1) Purpose. In recognition of §§ 503(2)(ii) and 503(3) of the Municipalities Planning Code, being 53 P.S. §§ 10503(2)(ii) and (3), this section is primarily intended to ensure that streets bordering a subdivision or land development are coordinated and of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic and to facilitate fire protection and to ensure that the access into and out of subdivisions and land developments is sufficiently safe.
  - (2) Process. This Subsection (L) shall be carried out through determinations of the Board of Supervisors, after considering any recommendations of the Planning Commission, the Township Engineer, the applicant, the applicant's professional

representatives, any comments from PennDOT that may be provided regarding a state road and any professional traffic studies that may have been submitted.

- (3) On-site/abutting traffic improvements. If, in the determination of the Board of Supervisors, there is a reasonable relationship between the need for an “on-site improvement” and the traffic created by a proposed subdivision or land development, the applicant for such subdivision or land development shall be required to complete the needed improvement or fund his or her fair share of the cost of such transportation improvement and to dedicate sufficient street right-of-way for needed improvements.
- (a) Widening of abutting street. An applicant for any land development or subdivision shall be required to widen, pave, and improve any abutting street and provide additional right-of-way as needed to meet current township standards.
  - (b) Existing streets with insufficient right-of-way.
    - 1. Where a public street exists with a right-of-way of less than the width required by this section, then as part of any new subdivision or land development, additional right-of-way shall be dedicated to bring the adjacent street segment into conformance. For example, if a street has a 33-foot wide right-of-way, and a 50-foot wide right-of-way is required, and a subdivision only involves one side of the street, then the applicant shall dedicate eight and one-half feet of additional right-of-way so that there is at least 25 feet of right-of-way from the original centerline of the street.
    - 2. Where a state road is involved, and the applicant has documented that PennDOT does not wish to accept the additional right-of-way, then the right-of-way shall be offered to the Township. If the Township does not wish to accept the additional right-of-way on a state or township street, then the record plan shall state that the right-of-way shall be reserved for dedication in the future if needed.
  - (c) Exceptions to requirements. Such improvements shall be required unless the Board of Supervisors determine:
    - 1. The subdivision or land development does not create any need for the improvement;
    - 2. A modification is granted under § 154.007; and
    - 3. PennDOT specifically refuses in writing to allow such improvement to a state road in the foreseeable future.
  - (d) PennDOT standards. Any improvement to a state road shall meet all PennDOT standards.
  - (e) Fee in lieu of street improvements. Where this chapter would require a widening of a street and/or the construction of curbing, and where the applicant desires to not complete such improvements, and where the

applicant proves to the satisfaction of the Board of Supervisors that such widening and/or curbing is not essential at that location at the present time, then as a modification under this chapter, the Board of Supervisors may offer the option of a fee in lieu of the widening or curbing.

1. The Township Engineer shall provide a review of the need for and cost of the widening or curbing to the Board of Supervisors. The fee shall be equal to 80% of the estimated costs of the street widening and/or curbing unless another fee is established by resolution of the Board of Supervisors.
2. If the Board approves a request of the applicant to pay the fee in lieu of the street widening or curbing, then such fee shall only be used for public street or curbing improvements within the Township. Such funds do not necessarily need to be used on the street where the requirement was modified.
3. Such funds do not need to be kept in a separate bank account and are not escrow accounts, but should be identified as part of a road improvement account.
4. A waiver may be approved in any case, but such fee shall only apply for a land development or a major subdivision.

(4) Types of required traffic improvements.

- (a) The following shall be the definition of ON-SITE IMPROVEMENT, (unless this definition is amended by state law): all street improvements constructed on the applicant's property, or the improvements constructed on the property abutting the applicant's property necessary for the ingress or egress to the applicant's property.
- (b) On-site improvements may include, but are not limited to, a new or upgraded traffic signal, land dedication to improve an abutting intersection, realignment of an abutting curve in a road or the widening of the abutting cartway and right-of-way.

(5) Funding. In place of completing a required street improvement as a condition of final approval, an applicant may enter into a legally binding development agreement with the Township for the applicant to fund the improvement, or his or her fair share of such improvement, as determined by the Board of Supervisors.

(6) Staging. Any completion or funding of a required improvement may occur in stages in relationship to the stages of the development, if so stated in a legally binding development agreement and/or as a condition of final plan approval.

(M) Traffic impact studies.

- (1) Purposes. To enable the Township to assess the impact of a proposed development on the transportation system. To ensure that proposed developments do not adversely affect the transportation network. To identify any traffic problems associated with access from the site to the existing transportation network. To

delineate solutions to potential problems and propose improvements to be incorporated into the proposed development.

(2) Applicability.

- (a) A traffic impact study shall be required for any subdivision or land development that at build-out after completion of all phases is projected to generate 250 or more average daily trip ends. TRIP ENDS shall mean the total number of trips both entering and exiting the proposed development. These projected trip ends shall be based on the latest edition of the publication titled Trip Generation, published by the Institute of Transportation Engineers, or upon traffic studies conducted within the last five years at comparable developments that are acceptable to the Township Engineer. The ITE land use codes shall be stated.
- (b) If a development is proposed to be submitted in phases, the initial traffic study shall consider a reasonable estimate of the likely development in later phases, in addition to the current phase.
- (c) The boundaries of the study area to be analyzed shall include those existing and proposed streets and intersections which may be affected by the proposed subdivision or land development. If there is any dispute as to whether existing and proposed streets and intersections may be affected or not, the final discretion shall rest with the Township Engineer or designated Traffic Engineer.
- (d) In lieu of submitting a traffic impact study, under the provisions of § 154.007, the Board of Supervisors may approve a modification to accept a fee from an applicant to be put towards the cost of a larger more comprehensive traffic study or to accept a developer making an improvement to a street that otherwise would not be required by the Township or PennDOT. For a larger traffic study, the Township shall have the authority to select the consultant or forward the funding to the county or PennDOT to conduct a study.
- (e) Prior to preparing a traffic impact study, the applicant is requested to meet with the Township Engineer and township staff, with officials of PennDOT and Lehigh Valley Planning Commission invited.

(3) Traffic impact study contents.

- (a) Site description. This section shall include the location, proposed land uses, acreage, construction staging and completion date of the proposed land development. Types of dwelling units and number of bedrooms shall be included for residential developments, and gross and usable floor area for nonresidential developments. A brief description of surrounding land uses and other proposed land developments within the study area shall be provided. A study area map should also be included.
- (b) Transportation facilities description.

1. The study shall describe the proposed internal transportation system, including vehicular, bicycle, bus and pedestrian circulation, all internal roadway widths and rights-of-way, parking conditions, traffic channelizations and any traffic controls within the site. If the site will be served by public transit, the study shall describe any benches, shelter or transit signs that will be provided.
2. The study shall describe location and design of proposed access, including sight distance limitations and distance from adjacent driveways and intersections.
3. The report shall describe the external roadway system within the study area. Major intersections in the study area shall be identified and mapped. Any proposal for bus or van service shall be described. Pedestrian and bicycle facilities on abutting properties shall also be documented. All proposed or approved roadway improvements within the study area shall be noted.
4. The report shall list the proposed timing of major road improvements, including the Lehigh Area Transportation Improvement Program.

(c) Existing traffic conditions.

1. Existing traffic conditions shall be documented for all streets and intersections in the study area. Traffic volumes shall be recorded for existing average daily traffic, existing peak hour traffic and for traffic during the development's peak hour. Complete traffic counts at all intersections in the study area shall be conducted, encompassing the peak hours of the development and roadway. A volume capacity analysis using the procedures of the current Highway Capacity Manual and based upon existing volumes shall be performed during the peak hour(s) of the development for the peak hour(s) of all roadways and major intersections in the study area. Levels of service shall be determined for each location.
2. The study shall include information on traffic crashes in the study area for the previous five years, if such information is available from PennDOT or the Township.

(d) Traffic impact of the development. Estimation of vehicular trips to result from the proposal shall be completed for the peak hour(s) of both the street system and the development. Acceptable source(s) and methodology shall be followed. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points. Safety issues for any pedestrian crossings shall be described. Any characteristics of the site that will cause trip generation rates that vary from the ITE Manual shall be noted.

(e) Analysis of traffic impact. The total future traffic demand based on full occupancy of the proposed subdivision or land development shall be calculated for the existing and proposed streets and intersections. This demand shall consist of the combination of the existing traffic expanded to the completion year through the use of an accepted background growth rate, the development-generated traffic, and the traffic generated by other proposed developments in the study area. To assist in determining the background growth rate, the annual PennDOT traffic report shall be considered. A volume/capacity analysis shall also be conducted using the total future demand and the future roadway capacity. This analysis shall be performed using the peak hour(s) for all streets and major intersections in the study area. The Township Engineer may also require this analysis to be conducted for the peak hour(s) of the development. Volume/capacity calculations shall be completed for all movements at major intersections. Levels of service for all streets and intersections shall be listed.

1. The study shall consider the year when the development will be complete, as well as a time period afterward.
2. The study shall describe the method that is used to allocate the direction of trips.
3. As applicable, the study shall analyze traffic signal warrants, traffic signal optimization, turn lane analysis and queue analysis.

(f) Conclusions and recommended improvements.

1. Any movements on streets and intersections within the study area showing a Level of Service D or worse, based on the latest edition of the Highway Capacity Manual, shall be considered deficient. Specific recommendations for the elimination of these problems shall be listed. Unsignalized intersections shall be evaluated for a signal warrant. Highway capacity evaluations shall consider not only the overall intersection level of service, but also each approach and movement to identify any substandard values which need to be improved.
2. All locations where the level of service for the completion year of the development is deficient without the proposed development, the study shall determine improvements which would provide a level of service and delay no worse than conditions without the subject development. These improvements may include street and intersection design and improvements, traffic signal installation and operation, traffic signal timing and other improvements. The study shall also provide an analysis to determine improvements which would eliminate all deficient levels of service.
3. Actions to facilitate use of bus or van service and carpooling should be included, if applicable.

4. The listing of recommended improvements for both streets and transit shall include, for each improvement, the party responsible for the improvement, a preliminary cost estimate and funding of the improvement, and the phase of development during which the improvement is proposed to be completed. Any roadway improvement which requires increased right-of-way shall be identified. The study should estimate the applicant's fair share of the costs of the needed improvements.
  5. The traffic impact study may be used as a basis for a township requirement under Subsection (L) above or another section of this chapter.
  6. Improvement plans shall not be submitted to the Pennsylvania Department of Transportation (PennDOT) before they are submitted to the Township. Approval of a site access plan by PennDOT does not guarantee approval by the Township.
- (g) Preparation and review. The preparer of the traffic impact study shall be a professional engineer or transportation planner. The developer shall reimburse the Township for reasonable fees and expenses incurred by the Township Engineer or Traffic Engineer for the review of the developer's traffic impact study and plans.
- (h) Data sources and methodology. Data sources and methodology shall be described in the report.

§ 154.164 BLOCKS.

- (A) Maximum length. Residential blocks shall not exceed 2,000 feet in length in subdivisions using an average lot size of one acre or larger and shall not exceed 1,500 feet in length in subdivisions having an average lot size less than one acre. Where this distance would be exceeded, the Township may require the construction of a cross-street, where topographically feasible.
- (1) Pedestrian crossings. The Board of Supervisors may require that a pedestrian access easement be provided to provide pedestrian access where street connections are not available to serve the same purpose. The Township may require a marked crosswalk to be created.
  - (2) Future street. Blocks shall be considered to be separated by the reservation as part of an approved subdivision plan of a 50-foot minimum right-of-way reserved for a future cross-street, such as a street is intended to serve future interior lots. Such future street is not required to be constructed until such time as the lots fronting on it are subdivided. Such right-of-way shall be retained in the same ownership as the abutting interior lot(s) until a street may be developed. Potential future street extensions shall be shown on the plan.
- (B) Block width. Blocks shall be of sufficient width to permit two tiers of lots, except where access is limited by virtue of an adjoining arterial street or by virtue of topographic limitations, unless permitted by the Board of Supervisors.

§ 154.165 LOTS; FLAG LOTS.

- (A) Zoning. All lots shall conform to all requirements of the Township zoning ordinance, as were in effect at the time such subdivision plan was duly submitted.
- (B) Street frontage. Section 154.163(A)(2) shall apply.
- (C) Average depth-to-width ratio. The average depth-to-width ratio of a lot shall generally not be greater than three to one (3:1), unless otherwise permitted by the Board of Supervisors to accommodate an unusual configuration of the site.
- (D) Side lot lines. Side lot lines shall abut and be approximately at right angles to straight streets and on radial lines to curved streets. Pointed or very irregularly shaped lots shall be avoided.
- (E) Lots abutting two streets on two non-contiguous sides.
  - (1) Lots abutting two streets on two non-contiguous sides shall ordinarily not be created except as needed to avoid direct vehicular access onto an arterial or collector street by individual driveways.
  - (2) Rear yard buffers along collector or arterial streets.
    - (a) Any residential lot of less than two acres with a rear yard directly abutting a collector or arterial street shall along such rear yard include a ten-foot wide planting strip along the back of the lot, in addition to the minimum yard requirement, with access across this strip clearly prohibited on notes on any approved plan.
    - (b) In addition to any street trees required by § 154.178, this planting strip shall include evergreen plantings meeting the buffer yard requirements of the zoning ordinance or alternative landscaping approved by the Township. American Arborvitae and similar weak-stem plants shall not be used.
    - (c) Any fencing in the rear of such lots shall be placed on the inside of such plantings. Such plantings shall be placed so that they do obstruct safe sight distance.
  - (3) Vehicle access. See § 154.163(A)(2)(b).
- (F) Flag lots. Flag lots are lots that do not meet the required minimum lot width at the minimum building setback line, and which have an elongated and more narrow extension connecting the bulk of the lot area with a street. A flag lot shall only be approved where the applicant proves that a flag lot is necessary to minimize the amount of disturbance of natural features or prime agricultural land and shall not be used to increase the number of dwelling units or lots that would otherwise be allowed on a tract. A flag lot shall need specific approval as such by the Board of Supervisors, after providing the Township Engineer and Planning Commission with an opportunity for comment.
  - (1) A maximum of one flag lot shall be allowed for each three proposed new lots in a subdivision. The Township may require that a flag lot include a prohibition against future subdivision.

- (2) Only one tier of flag lots shall be allowed.
- (3) The flag lot shall have a driveway within the same lot, which shall connect to a public street.
- (4) A flag lot shall only be allowed for one of the following:
  - (a) A single-family detached dwelling lot with a minimum lot area of one acre, unless a larger lot is required by the applicable zoning district; or
  - (b) A lot that is only occupied by a well, sewage pumping station, stormwater detention basin or similar utility and which is deed restricted against further development.
- (5) The minimum lot width shall be met at the proposed front yard principal building setback line, which shall not be more than 250 feet from a public street.
- (6) The driveway shall be suitable for access by emergency vehicles. See § 154.163(A)(4).

§ 154.166 RECREATION AREAS AND FEES.

- (A) Purposes. To provide adequate open spaces, recreational lands, and recreational facilities to serve new inhabitants/occupants of new developments, for both active and passive recreation. To recognize and work to carry out the park, recreation, and open space plan for the Township, which is adopted as recreation plan for the Township or by a successor document that may be adopted as the recreation plan for the Township.
- (B) Applicability.
  - (1) This section shall apply to any residential subdivision or land development for which a preliminary plan or a combined preliminary/final plan is submitted after the enactment date of this amendment.
  - (2) This section shall not apply to plans that the Township determines only involve adjustments or corrections to an approved preliminary plan or a preliminary plan that was actively before the Township for consideration as of the date of the adoption of this section, provided the adjustments do not increase the number of proposed dwelling units.
- (C) Limitations on use of fees.
  - (1) Any fees collected under this section shall be placed within the Township Recreation Escrow Fund, or its successor account.
  - (2) To make sure that the lands and facilities are accessible to the inhabitants of the developments that paid fees towards their cost, such fees should only be used within a five-mile radius of the boundaries of the subdivision or land development that paid the fees, unless the fees are used within a recreation area open to the public that the Township intends to serve the entire township.
  - (3) Such fees shall only be used for the following: acquisition of public open space/recreation land and related debt payments, development of public

recreational facilities, landscaping of public open space and necessary engineering and design work.

- (D) Land to be preserved. Any subdivision or land development regulated under this section shall be required to preserve the specified amount of recreation land, unless the Board of Supervisors and the applicant mutually agree that recreation fees shall be required in-lieu of land.
- (1) As a general non-binding guideline, it is the intent of this section that smaller developments (such as ten or fewer dwelling units) that do not include land that is adjacent to existing publicly-owned land shall be required to pay a recreation fee in lieu of dedicating land. However, if the applicant refuses to pay such fees, then recreation land shall be required to be preserved.
  - (2) The land and fee requirements of this section shall be based upon the number of proposed dwelling units.
  - (3) Recreation land for the purposes of this section shall meet all of the following standards:
    - (a) Less than 6% slope;
    - (b) Not a “wetland” under federal and/or state regulations;
    - (c) Be part of a contiguous tract of at least two acres (which may include existing adjacent recreation land); and
    - (d) Not be within the 100-year floodplain as defined by official floodplain maps of the Township.
    - (e) Not contain lands with stormwater management facilities or lands encumbered by any existing or proposed rights-of-way or easements.
  - (4) Amount of recreation land: if a subdivision or land development is required to include recreation land, the following amounts for each permitted new dwelling unit shall be 1,250 square feet per dwelling unit.
- (E) Fees. If the Board of Supervisors determines that a proposed subdivision or land development is required to pay fees-in-lieu of dedicating recreation land, this fee shall be \$3,150 for each new dwelling unit, unless such fee is updated by future action by the Board of Supervisors.
- (F) Decision on land versus fees. The Board of Supervisors shall determine whether a land dedication would be in the public interest, or whether the payment of fees is required. This initial determination should, but is not required to, be made at the time of sketch plan review. The Township should, at a minimum, consider the following in this decision:
- (1) Whether the land in that location would serve a valid public purpose;
  - (2) Whether there is potential to make a desirable addition to an existing public or school district recreation area or to create a greenway along a creek;

- (3) Whether the proposed land would meet the objectives and requirements of this section and any relevant policies of the Comprehensive Plan and any recreation or open space plan;
  - (4) Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands; and
  - (5) Any recommendations that may be received from the Planning Commission, the Township Engineer, the local school board or school district staff and the Township Parks and Recreation Board.
- (G) Recreation land to be preserved.
- (1) Suitability. Recreation land shall be suitable for its intended purpose, in the determination of the Board of Supervisors. The applicant shall state in writing what improvements, if any, he, or she will commit to make to the land to make it suitable for its intended purpose, such as grading, landscaping or development of trails. Such land shall be free of construction debris at the time of dedication. Proposed recreation land shall be suitable to meet the needs of the residents of the development.
  - (2) Ownership. Required recreation land shall be dedicated to the Township, unless the Board of Supervisors agree to accept a dedication to any of the following: the school district, the county, a state agency charged with maintaining recreation land, a similar governmental agency, an incorporated property owners association (such as a homeowner or condominium association) or an established environmental organization acceptable to the Board of Supervisors. In the case of a rental development, the Township may permit the recreation land to be retained by the owner of the adjacent principal buildings.
    - (a) Property owners association. If recreation land is to be owned by a property owners association, the developer shall be required to establish such association in a form that requires all property owners within the development to annually contribute to the maintenance of the recreation land.
      - 1. Any property owners association agreements regarding required recreation land shall be subject to acceptance by the Board of Supervisors, based upon review by the Township Solicitor.
      - 2. Prior to the sale of any dwelling unit or lot, all deeds shall require each property owner to pay fees on a regular basis for the maintenance and other expenses of owning such land. The property owners shall be incorporated with covenants and bylaws providing for the filing of assessments. After providing notice to affected owners, the Township shall have the authority to establish municipal liens upon all properties in the association to fund maintenance of the land and township legal costs if the property owners association does not fulfill its responsibilities.

3. An orderly process shall be established for the transfer of the land to the association. The dedication of maintenance responsibilities by a developer to a property owners association shall not occur until such association is incorporated and able to maintain such land.
  4. The property owner's association shall be established in full compliance with applicable state law, including the Uniform Planned Community Act, 68 Pa.C.S. §§ 5101 et seq.
- (b) Transfer to another entity. If the approved plan states that ownership of and/or responsibilities to maintain the recreation land are given to a particular entity, then any transfer of ownership or responsibilities to another entity shall require pre-approval by the Board of Supervisors. Where land is to be owned by a conservation organization, a process shall be established for the land to transfer to a different organization if the first organization is not able to fulfill its obligations.
  - (c) Board of Supervisors authority. The Board of Supervisors shall have the authority to refuse to accept an offer of dedication of recreation land to the Township, and/or to determine that an offer does not meet township requirements.
- (3) Easements. Any required recreation land dedication shall include a conservation easement to permanently prevent its development for buildings, except buildings for approved types of noncommercial recreation or to support maintenance of the land. Such conservation easements shall, at a minimum, be enforceable by the Board of Supervisors. The Supervisors may require that the easements also authorize their enforcement by a suitable third party.
  - (4) Priorities. Priority shall be given to dedication of land that would be suitable for:
    - (a) Additions to existing public schools and public parks;
    - (b) Preservation of woods, steep slopes or other important natural features or land along a creek; or
    - (c) For centralized active recreation.
  - (5) Suitability. Land that is not suitable for active or passive recreation shall not be permitted to meet the requirements of this section. Any land area used to meet the requirements of this section shall meet the definition of recreation land. Portions intended for active recreation shall be well-drained, of less than 6% average slope and not require filling in of a wetland for use.
  - (6) Access and contiguousness. Recreation land within a subdivision or land development shall be contiguous, except as may be specifically exempted by the Board of Supervisors, if necessary considering the unique features of the site, and shall have a minimum of 20 feet of road frontage at a location that allows access for maintenance and by pedestrians.

- (7) Other ordinances. Any required land dedication or fees under this section shall be in addition to any land dedication or improvement requirements of any other township ordinance.
  - (8) Residual lands. If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands. The intent is to coordinate current plans with any future development, even in the long-term.
  - (9) Coordination with future adjacent dedication. The Board of Supervisors may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with a recreation land/open space dedication on the edge of an adjoining property when that adjoining property is subdivided or developed.
- (H) Combination of land and fees.
- (1) Upon mutual agreement of the Board of Supervisors and the applicant, the Township may accept a combination of recreation land and fees-in-lieu of land to meet the requirements of this section for a subdivision or land development. This combination shall be based upon the recreation land requirement applying for a certain number of dwelling units and the fee-in-lieu of land requirement applying for the remaining development.
  - (2) For example, if a development included 25 dwelling units, recreation land could be required for 15 dwelling units and fees could be required for ten dwelling units.
- (I) Timing of residential fees. Fees required by this section for all of the dwelling units shall be paid prior to the recording of the final plan, except as follows.
- (1) If the required fee would be greater than \$4,000, and the applicant and the Township mutually agree to provisions in a binding development agreement to require the payment of all applicable recreation fees prior to the issuance of any building permits within each clearly defined phase or sub-phase of the development, then fees are not required to be paid prior to recording of the final plan but may instead be paid within the requirements of that development agreement.
  - (2) If the applicant agrees to pay such fees in installments, then all such fees shall not be considered to be “paid” for the purposes of any applicable time limitations for utilization under the Municipalities Planning Code, being 53 P.S. §§ 10101 et seq. until all such fees are paid in full, including all installments and phases.
- (J) Facilities in place of land or fees.
- (1) An applicant may submit a written request for a modification of the requirements of this section by offering to construct substantial permanent recreation facilities within the proposed subdivision or land development or on public park land. Such modification shall only be approved if the applicant clearly proves to the satisfaction of the Board of Supervisors that the facilities will serve a valid public

purpose, will be designed following modern standards in a durable manner and will have a higher market value than the land or fees that would otherwise be required.

- (2) A modification of these requirements may also be approved by the Board of Supervisors if the applicant donates or sells appropriate public recreation land to the Township or the school district. In such case, the applicant shall provide a written appraisal from a qualified professional that the market value of the donation or price reduction is greater than the value of the fee or land requirement that is waived. In such case, the land shall be determined to be suitable for public recreation by the Board of Supervisors.

#### § 154.167 STORMWATER MANAGEMENT AND FLOODPLAIN.

See the provisions of the Township stormwater management and floodplain regulations (see also Chapters 151 and 152).

##### (A) Construction standards.

- (1) Appropriate safety gates shall be attached to all catch basins, stormwater inlets, pipe openings and other stormwater structures, as needed.
- (2) The maximum slope of earthen stormwater basin embankments shall be 3 horizontal to 1 vertical. The top or toe of any slope shall be located a minimum of 5 feet from any property line.
- (3) The minimum top width of stormwater basin berms shall be 10 feet.
- (4) All pipes through stormwater basin embankments shall have properly spaced concrete anti seep collars which shall not be constructed on fill.
- (5) An outflow control structure shall be provided at the outlet of all stormwater basins. This structure shall be constructed of concrete. A trash rack or similar device shall be provided to prevent debris from entering the outflow structure. The crest elevation shall be set at a minimum of 6 inches below the emergency spillway.
- (6) Storm sewer pipes shall have a minimum diameter of 15 inches and shall be made of reinforced concrete, high density polyethylene, or equivalent.
- (7) Open pipe ends must be fitted with concrete end walls or prefabricated end sections.
- (8) Drainage pipes and paved channels shall have a minimum slope of 0.5%, and turf swales shall have a minimum slope of 2.0%.
- (9) Manholes or inlets shall be used at changes in horizontal alignment, at changes of vertical grade and at all pipe intersections. No run of pipe shall exceed 400 feet in length without appropriate measures to allow clean out.
- (10) Stormwater conveyance facilities shall be designed for a 100-year return period storm, utilizing calculation methodologies which are consistent with the overall stormwater management design. Inlets shall be placed on both sides of streets at low spots and at points such that one traffic lane of at least 10' in width shall be provided, free from stormwater.

- (11) All major subdivisions shall design stormwater management for the maximum permitted impervious surface on all lots and/or full development.
- (B) Stormwater easements.
- (1) Where required: where a subdivision or development is traversed by a watercourse, drainageway, channel or stream that the Township Engineer determines is subject to significant stormwater flows, there shall be provided a drainage easement established along the following:
    - (a) The 100-year floodway, where that is defined; and
    - (b) Where a 100-year floodway is not defined, a width shall be used that includes a minimum of 25 feet on each side of the top of the primary bank of the waterway.
  - (2) The drainage easements required by Subsection (B)(1) above are intended to preserve the unimpeded flow of natural drainage and to provide for future possible widening, deepening, relocating, improving, or protecting of such drainage facilities. The Township Engineer may require up to a one-half foot freeboard and/or an additional ten feet building setback if deemed necessary along newly constructed watercourses.
  - (3) If a major human-made drainage channel would pass within close proximity to homes and possibly threaten the safety of persons, the Board of Supervisors, based upon the advice of the Township Engineer, may require such certain lengths of such channel to be placed within appropriate underground pipes.
  - (4) It shall be the responsibility of the applicant to obtain all stormwater easements on, over or through other properties that are needed to carry out the proposed storm management plan.
  - (5) Areas where stormwater easements have or will be granted shall not be obstructed during or after construction.
  - (6) See also the easement requirements in § 154.170, including provisions regarding maintenance and obstructions.
- (C) Floodplain regulations. See the Township floodplain regulations and the relevant provisions of the State Construction Codes.
- (1) Fill shall not be allowed within the 100-year floodplain if it would cause any increase in flood levels.
  - (2) If fill is used within the 100-year floodplain, it shall meet the following additional requirements:
    - (a) It shall extend laterally at least 15 feet beyond any proposed building footprint;
    - (b) It shall consist of well-compacted materials to provide the necessary resistance to erosion, scouring or settling; and

- (c) It shall not have a finished slope greater than three to one (3:1).
  - (3) The finished elevation of a proposed street shall be above the 100-year flood level. The applicant shall provide profiles and elevations to show that this requirement will be met.
  - (4) Any structure within the 100-year floodplain shall include openings as needed to allow flood flows to be discharged without increasing flood heights.
  - (5) Sanitary sewage systems shall be floodproofed up to the 100-year flood level.
  - (6) No on-lot septic system shall be located within the 100-year floodplain.
  - (7) All water supply facilities shall be floodproofed up to the 100-year flood level and shall be designed to minimize infiltration of floodwaters into the water supply.
- (D) Fencing. The Board of Supervisors may require secure fencing to be placed around a stormwater basin.

#### § 154.168 SEWAGE DISPOSAL SYSTEMS.

- (A) In general.
- (1) All subdivisions and land developments shall be served with an approved and adequate sewage disposal system (either on-lot or public) that will meet state and township regulations.
  - (2) Public sewage connections.
    - (a) Any principal building or use within a subdivision or land development that generates wastewater and that in the determination of the Board of Supervisors, based upon the advice of any applicable municipal authority and the Township Engineer, could reasonably connect into a public sewage system may be required by the Township to connect into that system.
    - (b) The applicant shall be responsible to pay such reasonable capital expenses that are necessary for such connection.
- (B) Central sewage service.
- (1) If a municipality or a municipal authority is to provide the central sewage service, such agency shall have the authority to approve or reject the proposed sewage collection system for just cause.
  - (2) Non-public sewage service: if non-public central sewage service is proposed, the Board of Supervisors shall have the authority to permit or not permit such service to meet the sewage requirements of this section based upon:
    - (a) Whether public sewage service is expected to be available within five years of the date of preliminary plan approval;
    - (b) Whether the proposed system would be consistent with the Township's official sewage facilities plan; and

- (c) Whether the system would include an appropriate permanent system for professional operation and maintenance.

(C) On-lot sewage disposal system.

- (1) If connection to a public sewage system is not required at the time of occupancy, and if non-public central sewage system is not approved by the Township under the Township sewage facilities plan, then each lot shall be required to be served by an on-lot sewage disposal system that will meet all applicable state regulations. Each such proposed location shall be tested and approved by Township Sewage Enforcement Officer, prior to approval of the final plan. See the requirements of DEP for a planning module.
- (2) Portable chemical toilets allowed as per DEP regulation or other approved privies shall not be used as a primary method of sewage service for a subdivision or land development that operates more than ten days in any calendar year, other than publicly-owned outdoor recreation uses and construction sites.
- (3) Each new lot using on-lot septic service shall include a tested alternate septic system location meeting all DEP regulations, which shall be kept available for use if needed.
- (4) The applicant shall submit results or a summary of the tests of required on-lot septic tests and shall show approved test locations on the preliminary plans in accordance with DEP planning module requirements.

(D) Laterals. Each lot with central sewage service shall be served by a separate sewage lateral.

§ 154.169 WATER SUPPLY SYSTEMS.

(A) In general.

- (1) All subdivisions and land developments shall be served with an adequate on-lot or central water supply system that will meet DEP and township requirements.
- (2) Required connections to central water systems.
  - (a) The Board of Supervisors, after requesting any recommendations of the Planning Commission, the Township Engineer and the appropriate water supplier, may require all lots and principal uses within a subdivision or land development to be connected to an existing public or township-approved central water system where the Board of Supervisors determines that such connection would be feasible, cost-effective and reasonable, considering the distances that the lines would need to be extended and the average cost per dwelling or lot.
  - (b) If an applicant does not wish to extend central water service, then the Township may require the applicant to provide a comparison of the estimated total costs of extending the central water service versus the total costs of developing wells. Such cost comparison shall be prepared by a professional and be provided to the water supplier and the Township

Engineer for review. This analysis is intended to assist the Township in determining whether a water extension would be reasonable.

1. The Township shall also have the authority to require a subdivision or land development to include an extension of central water service if such service is needed to resolve a significant public health or safety hazard, or where such extension is required by another ordinance or utility agreement.

(3) Dry water lines.

- (a) The Board of Supervisors, after requesting any recommendations of the Planning Commission, the Township Engineer and the appropriate water supplier, may require that a subdivision or land development include the installation of “dry” water lines if the Board of Supervisors determine that such requirement would be reasonable and that such development is likely to be able to be served by an extension of an existing Township-approved central water system within ten years.
  1. The Township is not responsible to guarantee that such water connection will occur or be possible within the ten-year period.
- (b) Such lines shall be required to meet the construction standards of the water supplier to which the lines are intended to be connected.
- (c) A developer in such case may only be required to construct:
  1. Such mains and laterals that would be needed to be located within the right-of-way of a newly constructed or reconstructed street(s); and
  2. Such other mains that would be needed within the boundaries of the subdivision or land development.

(4) Private water system.

- (a) The Board of Supervisors, based upon recommendations of the Township Engineer, may require or permit the development of a new private central water system if such system can reasonably be expected to be connected into an extension of an existing central water supplier within ten years.
- (b) Such system in that case shall be constructed following official standards of the water supplier to which it is intended to be connected.
- (c) In such case, the approved plan should include a specific provision offering dedication of such system to the central water supplier in the future, without any purchase cost by such central water supplier.

(B) Central water supply system.

- (1) Water supplier approval. Proposed extensions of central water systems shall meet all applicable procedures, reviews and requirements of any appropriate municipal authority or water company. Such extension shall be approved by such agency prior

to final plan approval, although specific detailed service agreements are not required to be signed until prior to recording.

- (2) Non-public supplier. Any new central water system that is not owned by a public authority or municipality shall be found to be acceptable in capacity, pressure, design, and construction by the Board of Supervisors, based upon review of the Township Engineer. The Board of Supervisors may deny permission for a subdivision or land development to be served by a non-public central water system if such system cannot guarantee sufficient water pressure and capacity and would not include a suitable process for long-term operation and maintenance. The applicant may be required by the Township to establish a test well prior to recording of any lots to show that adequate water will be available and a back-up well.
- (C) On-lot water system (wells).
- (1) Well locations. When a subdivision or land development is not required to connect to a central water system, acceptable locations for wells shall be shown on plans and each well shall be setback a minimum of 100 feet from any on-lot septic system.
  - (2) Setback. Wells should be located no closer than 25 feet from any future street right-of-way. Wells should also be located to meet minimum requirements of the Federal Housing Administration, in case a FHA mortgage may be sought.
- (D) Fire hydrants. All subdivisions and land developments that will be served by central water service shall provide fire hydrants as needed with appropriate water pressure so that all nonresidential principal buildings and all dwelling units are within 500 feet of an active fire hydrant. Such distances shall be measured along lengths that are accessible to firefighters.
- (1) The fire hydrant shall have connections compatible with those used by the Township fire companies.
  - (2) The Township may require that the applicant prove that fire flows will be not be less than 500 gallons per minute in single-family detached residential areas and 1,000 gallons per minute in other developed areas, at 20 pounds per square inch residual pressure.

#### § 154.170 OTHER UTILITIES; UTILITY EASEMENTS.

- (A) Utilities. All electric power service lines (as opposed to distribution lines) and all telephone, cable television (where available) and natural gas service lines within a new subdivision or land development shall be placed underground.
- (B) Easements. Easements shall be provided as follows.
- (1) Generally. Stormwater drainage, sanitary sewage, central water, emergency access and other types of easements shall be provided as determined to be needed by the Township and as indicated on the plans.
  - (2) Locations. All lots shall include a stormwater drainage and utility easement as needed.

- (3) Width. The standard minimum width of a stormwater drainage or underground utility easement shall be 15 feet, which may be reduced to ten feet for each lot if a ten-foot minimum easement exists on the abutting side of the abutting lot.
- (4) Drainage easements. See also drainage easement provisions in § 154.167.
- (5) Additional width of easements. Additional width of easements shall be provided if required by the utility provider or the Board of Supervisors, based upon advice of the Township Engineer. The easement widths along side lot lines may be reduced if the zoning ordinance allows a principal building setback that is more narrow than the width of the easement that would otherwise be required.
- (6) Separation. Minimum separation distances between utility lines shall be as required by the applicable utility or as deemed necessary by the Township Engineer.
- (7) Utilities. If any activity is proposed within the right-of-way of an underground pipeline or utility, the applicant shall provide written evidence from the operator of such pipeline or utility that such activity is acceptable under their safety standards and the terms of that right-of-way.
- (8) Maintenance and obstructions. The owner of the lot shall maintain an easement in such a condition that does not inhibit its intended purpose(s). Fill or structures shall not be placed in an easement in a way that inhibits its intended purpose(s). Specifically, structures or grading that could alter or obstruct stormwater flows in violation of the approved final plan shall be prohibited within stormwater easements.
- (9) Township entry. The Township at its option shall have the right to enter a stormwater easement or any municipal easement to maintain it or improve it for its intended purpose(s), although the Township does not accept the responsibility to complete such work.
- (10) Note. The following note or a township-approved equivalent may be required to be placed on the record plan, unless another method of maintenance is specifically approved by the Township. The property owner shall have the responsibility for the perpetual maintenance of the permanent stormwater management facilities. No changes shall be made to the stormwater management facilities or finish grading without prior written approval from the Township. A blanket easement is hereby granted giving the Township the right, but not the obligation, to enter the property to perform any required maintenance which has not been properly performed in a timely manner. The property owner shall be responsible for the cost of any maintenance which is performed by the Township. The Township shall lien the property for said costs until the Township has been reimbursed in full.

#### § 154.171 ACCESS DRIVES AND DRIVEWAYS.

- (A) Access drives and driveways shall be constructed with a 6-inch minimum compacted depth stone base, and a 2-inch minimum compacted depth bituminous surface course.
- (B) Access; state roads.

- (1) A state highway occupancy permit is required for all access onto or work within the right-of-way of a state road. A township driveway permit shall be obtained before any vehicle access is allowed from a township-owned street.
- (2) If the Township becomes aware that a state highway occupancy permit is needed, and one has not been issued, the Township may delay the issuance of a construction permit and/or occupancy permit until such time as such state permit is issued.
- (C) Slope and emergency access.
  - (1) The maximum slope of an access drive or driveway shall be 14%, except the first 20 feet adjacent to a cartway of a street shall have a maximum slope of 4%.
  - (2) Emergency access. See § 154.163(A)(4).
- (D) Drainage. The developer shall make adequate provisions to maintain uninterrupted parallel drainage along a street where intersected by an access drive or driveway. Access drives and aisles within parking lots shall be graded and drained to keep the primary travel lane free of stormwater.
- (E) A driveway shall serve a maximum of one residential lot.
- (F) Turnarounds. For lots abutting existing streets, driveways shall be designed with a location on the lot to turn a vehicle around, so as not to require a vehicle to back out onto that street.
- (G) Width of driveway or access drive at entrance onto a public street, at the right-of-way (not including radii)

	One-way use	Two-way use
Minimum	12 feet	22 feet
Maximum	20 feet	30 feet

This standard may be revised where a different standard is required by PennDOT for an entrance to a state road, or where the applicant demonstrates to the Zoning Officer that a wider width is needed for truck access

§ 154.172 OFF-STREET PARKING CONNECTIONS; INTERCONNECTED PARKING LOTS.

- (A) The Board of Supervisors may require that the following methods be used adjacent to a collector or arterial street where two lots that are each intended for current or future business uses will be contiguous to each other.
  - (1) When two contiguous business uses or lots are in common ownership at the time of subdivision or land development application, the parking lots shall include an interconnection to allow motorists and pedestrians to travel from one business to another business without needing to re-enter a public street.
  - (2) Where two contiguous lots involving current or future businesses are not in common ownership, the applicant for a subdivision or land development shall seek permission from the abutting lot owner to allow a vehicle interconnection between

the parking lots. Unless the abutting property owner refuses to permit the interconnection, the subdivision or land development shall include the construction of a vehicle and pedestrian interconnection between the parking areas.

- (a) If the abutting property owner refuses to permit the interconnection or the interconnection is currently not feasible, the Board of Supervisors may require that the subdivision or land development include an easement allowing a future interconnection and/or construct the interconnection as a “stub” up to the applicant’s property line.
- (3) Where an interconnection is required or planned between two uses or lots, the subdivision or land development shall include a suitable cross-easement that permits vehicles and pedestrians from one use or lot to have access through the parking lot and driveway of the adjacent use or lot.

§ 154.173 CURBS.

- (A) Curbs shall be required where the Board of Supervisors determines they are necessary.
- (B) If curbs are not provided, appropriate stabilized drainage channels designed to meet the Township stormwater management ordinance shall be required along all streets, within the street right-of- way, or drainage easements.
- (C) Required curbs shall meet the following specifications, unless other specifications are pre-approved by the Township:
  - (1) Only straight or slant concrete curbs shall be provided, unless a modification is approved under § 154.007, such as for granite curbing. Such curbs shall meet construction specifications of PennDOT Publication 408, except that concrete materials, mix design, and testing shall comply with applicable ACI standards. In the event of a conflict, PennDOT Publication 408 shall govern curb geometry and dimensions, and ACI shall govern concrete materials and performance.
  - (2) Gutter design shall be subject to the approval of the Township Engineer based upon standard engineering practices. The curb reveal shall be between six and eight inches.

§ 154.174 SIDEWALKS, PATHWAYS AND DRIVE APRONS.

- (A) Sidewalks built to township specifications shall be required where the average residential density exceeds three dwelling units per acre or where the Board of Supervisors determine they are necessary for safe pedestrian movement, such as near a school.
  - (1) As a modification under § 154.007, an applicant may propose an alternate system of pathways, such as a crushed stone or bituminous pathway, that serve the same purposes as sidewalks and which guarantee public access, but which are not necessarily within a street right-of-way, if approved by the Township Engineer.
- (B) Pathway or bikeway.

- (1) If deemed necessary for the convenient and safe circulation of bicycles and pedestrians, the Board of Supervisors, upon the recommendation of the Planning Commission, may require that a major subdivision or land development include the construction of a pathway or bikeway.
  - (2) A bikeway/pathway shall have a minimum width of six feet and a maximum width of 12 feet. It may be required to be placed within a street right-of-way in place of a sidewalk, or may be placed elsewhere on a lot within an easement or other right-of-way.
- (C) Location and width of sidewalks.
- (1) Sidewalks, where required or provided, shall be located within the street right-of-way and should be no closer than four feet from the curb line. Any area between the sidewalk and curb shall be planted in an attractive vegetative ground cover, such as grass. This strip shall only be paved at driveway entrances.
  - (2) Any required sidewalks shall have a minimum width of:
    - (a) Five feet along arterial streets or along routes used to access primary or secondary schools; and
    - (b) Four feet along collector or local streets in other locations.
- (D) Construction.
- (1) Sidewalks shall meet construction specifications of PennDOT Publication 408, except that concrete materials, mix design, and testing shall comply with applicable ACI standards. In the event of a conflict, PennDOT Publication 408 shall govern sidewalk geometry and dimensions, and ACI shall govern concrete materials and performance. 2B stone shall be used as the base course for sidewalk.
  - (2) Bikeways/pathways shall be constructed of a one inch bituminous surface course, a one and one-half inch bituminous binder course and six inches of compacted gravel or crushed stone, unless an alternative standard is pre-approved by the Township. To the maximum extent feasible considering topography, pathways should be accessible to persons in wheelchairs. Stop signs should be posted along bikeways where they meet streets.
    - (a) Maintenance. It shall be the responsibility of the adjacent landowner to maintain, plow snow, and remove ice off of and repair sidewalks.
    - (b) Wheelchair ramps. Ramps shall meet the requirements of the Americans With Disabilities Act, being 42 U.S.C. §§ 12101 et seq. and accompanying federal regulations.

§ 154.175 STREET LIGHTING.

- (A) Street lights or other township-approved lighting may be provided and installed by the developer along streets within and abutting a proposed subdivision or land development in the following situations:

- (1) One or more lights may be required at or near an intersection of two or more streets; and
  - (2) One or more lights may be required at other locations where the Board of Supervisors deems them necessary to provide safe traffic or pedestrian circulation, to illuminate curves in streets or to illuminate the more isolated areas of a development.
- (B) The developer shall coordinate with the electric utility regarding the responsibilities between the developer and the utility, and shall reimburse the utility for its reasonable costs for such work.
  - (C) Private lighting: on all private streets, parking areas and other areas requiring lighting, the developer shall provide materials, installation, energizing and power for all lighting systems necessary for security and public safety. A system acceptable to the Township shall be established for the maintenance of such lights. The Township may require that business and multi-family parking lots and related walkways maintain a minimum 0.5 footcandles of illumination during hours of use.

§ 154.176 STREET IDENTIFICATION SIGNS.

- (A) Any new street name signs that are needed shall be provided and installed by the developer, or if the Township volunteers to provide and install such signs, the developer shall reimburse such costs.
- (B) Street names are subject to the approval of the Township. Names shall continue the name of any street with the same or similar alignment.
- (C) Names shall not duplicate or be closely similar to the name of another street within the Township, the same fire company or ambulance service district or the same five digit zip code area. The street names shall be submitted for acceptance by the U.S. postal service and county emergency communications to avoid duplications.

§ 154.177 REGULATORY SIGNS.

The developer shall install township-specified, or shall reimburse the Township for the costs of supplying and installing, needed traffic regulatory signs and street name identification signs on public streets. The developer shall be responsible to provide and install signs on private streets. All traffic regulatory signs shall meet current standards of PennDOT.

§ 154.178 LANDSCAPING.

- (A) Street trees. Within and abutting all land developments and major subdivisions, along any existing or proposed street, or any access drive serving more than one commercial, industrial, or institutional principal use or any access drive serving five or more dwelling units, street trees are required to be planted. However, street trees shall not be required (a) along a single-family detached residential lot or agricultural lot with a lot area of greater than three acres; or (b) where the Township determines that existing healthy trees proposed to be preserved will serve the same function.

- (1) The Board of Supervisors may approve other species of trees than those listed below if the applicant proves to the satisfaction of the Supervisors that the trees would be sturdy, attractive, and resistant to disease and road salt.
- (2) A tree required by this section shall be of the following species. This list shall not regulate types of trees that are not required to be planted by this chapter.

*Acer rubrum* – American Red Maple

*Acer saccharum* – Sugar Maple

*Carpinus caroliniana* – American Hornbeam

*Carpinus betulus* – European Hornbeam

*Celtis occidentalis* – Common Hackberry

*Fagus sylvatica* – European Beech

*Ginkgo biloba fastigiata* – Maiden Hair Tree (male only)

*Gleditsia triacanthos* – Thornless Locust or Honey Locust

*Liriodendron tulipifera* – Tulip Poplar

*Liquidambar styraciflua* ‘*Rotundiloba*’ – Fruitless Sweetgum

*Prunus sargentii* – Sargent Cherry

*Ostrya virginiana* – American Hop Hornbeam

*Quercus alba* – Swamp White Oak

*Quercus bicolor* – Swamp Oak

*Quercus coccinea* – Scarlet Oak

*Quercus imbricaria* – Shingle Oak

*Quercus palustris* – Pin Oak

*Quercus phellos* – Willow Oak

*Quercus rubra* – Southern Red Oak

*Quercus stellata* – Post Oak

*Quercus shumardi* – Shumard Oak

*Quercus muehlenbergii* – Chinkapin Oak

*Quercus velutina* – Eastern Black Oak

*Tilia americana* – American Linden

*Tilia cordata* – Little Leaf Linden

*Tilia euchlora* – Crimean Linden

*Tilia petiolaris* – Silver Linden

*Ulmus americana* ‘*Delaware*’ – Delaware American Elm

*Ulmus americana* ‘*Jefferson*’ – Jefferson American Elm

*Ulmus americana* ‘*New Harmony*’ – New Harmony American Elm

*Ulmus americana* ‘*Valley Forge*’ – Valley Forge American Elm

*Ulmus americana* ‘*Princeton*’ – Princeton Elm

*Ulmus* – hybrids: Homestead or Sapporo Autumn Gold Elms

*Ulmus parviflora* – Chinese or Lacebark Elm, not including Siberian Elm

- (3) In certain cases where evergreen trees would provide a buffer between a street and dwellings, or be more consistent with native vegetation, then the Township may permit the planting of evergreen trees instead of deciduous trees. In such case, the trees are intended to be planted immediately outside of the right-of-way. Such trees shall be of one of the following species:

*Abies concolor* – Concolor Fir

*Juniperus virginiana* – Eastern Red Cedar

*Ilex opaca* – American Holly

*Picea abies* – Norway Spruce

*Picea glauca* – White Spruce

*Picea pungens* – Colorado Spruce

*Pinus strobus* – Eastern White Pine

*Pinus sylvestris* – Scotch Pine

*Pinus thunbergia* – Japanese Black Pine

- (a) If more than ten trees are required to be planted, then no more than 25% shall be of one species.
- (4) Quality of trees.
- (a) Trees shall be of symmetrical growth, free of insect pests and disease and durable under the maintenance contemplated.
- (b) Trees which have died or have become diseased or pest-ridden within 18 months from the time of planting shall be replaced by the developer.
- (5) Minimum sizes and standards: the trunk diameter (measured at a height of four and one-half feet above the finished grade level) of deciduous shade trees required by this chapter shall be a minimum of two and one-half inches. The minimum height above the ground level at the time of planting of evergreen trees required by this chapter shall be six feet.
- (6) Planting and maintenance.
- (a) Trees shall be planted in conformance with good landscaping practices.
- (b) Trees adjacent to or within parking areas shall be properly protected from damage by vehicles by raised curbs, raised earth, protective devices, and/or sufficient setback.
- (c) Required trees shall be properly maintained and shall not be removed without being replaced by another tree that meets the requirements of this section.
- (7) Required number and spacing of street trees.
- (a) Along streets and access drives where street trees are required, an average of one street tree shall be required for every 50 feet of distance along the street right-of-way line on each affected side of the street. Where a right-of-

way does not exist, an average of one street tree shall be required for every 50 feet of length of cartway.

- (b) Spacing: the trees required under this section shall be spaced throughout the development along the street but are not required to be planted at exact intervals and may be clustered following an approved plan. Trees shall be located so that they do not restrict sight distance at driveway and street intersections.
- (8) Location of street trees: the trunks of required street trees shall be planted outside of the street right-of-way, but within the front yard area unless an alternative location is specifically approved by the Township or required by PennDOT. Where trees are not allowed in a location because of a sight distance issue, the trees shall be planted at other locations on the tract.
- (9) Other requirements: the street trees required under this section shall be in addition to any trees required under other township regulations. The planting of street trees shall follow good nursery practices and may be required to include staking. Trees shall be properly watered and fertilized.
- (10) Sidewalks and utilities. Street trees shall be planted in a manner approved by the Township to avoid conflicts with sidewalks and utilities.
- (B) Buffer yards. See the requirements in the Township zoning ordinance.
- (C) Stormwater management facilities landscaping. Landscaping and planting of stormwater management facilities shall be provided which will not have a negative effect on the hydrological function of the facility, which are aesthetically pleasing and compatible with surrounding land uses, and which require a minimum of maintenance.
  - (1) All areas of stormwater management facilities, including basin floors, side slopes, berms, impoundment structures or other earth structures, shall be planted with suitable vegetation, such as meadow plantings or grasses specifically suited for stormwater basins.
  - (2) Trees and shrubs shall be planted around stormwater management facilities that cover more than 5,000 square feet of land and that are not designed to resemble natural ponds. However, trees and shrubs shall not be planted in locations that would interfere with the function of the basin. A minimum average of two trees and ten shrubs shall be required to be planted around the facility for every 100 linear feet of perimeter. Trees shall have an initial trunk diameter of two inches, measured six inches above the ground. Shrubs shall have an initial height of four feet.
  - (3) Natural ground cover plant species shall be planted on the floors and slopes of the facility. These ground covers may include wildflowers, meadows, or non-aggressive grasses. Species shall be chosen that are suitable for the expected wetness of various portions of the facility. The plantings shall provide a continuous cover over all earth areas of the facility. The plantings shall not interfere with the proper functioning of the facility, in the determination of the Township Engineer.
- (D) Parking lot landscaping.

- (1) A minimum of one deciduous tree shall be required for every 15 new off-street parking spaces.
- (2) If a lot will include 30 or more parking spaces, landscaped islands shall be provided within vehicle parking areas. One planted island is required when fifteen (15) or more parking spaces are proposed in a row. Otherwise, the trees may be planted around the parking area.
- (3) No less than 10% of the parking area shall be used for parking islands and planting strips. This measurement shall be exclusive of other required buffer areas.
- (4) Landscaping for parking areas shall be selected from the following:

Ornamental Trees (minimum 8 feet in height, 2-inch caliper)

*Amerlanchier canadensis* - Serviceberry  
*Crataegus virdis* - Winter King Hawthorn  
*Ostrya virginiana* - Hop Hornbeam-Ironwood  
*Beltula nigra* - River Birch

Large Trees (minimum 2 ½-inch caliper)

*Acer rubrum* - Red Maple  
*Platanus occidentalis* - Sycamore  
*Celtis occidentalis* - Hackberry  
*Gleditsia triacanthos var. 'inermis'* - Honey Locust  
*Ulmus americana* - American Elm  
*Liriodendron tulipifera* - Tulip Poplar  
*Quercus bicolor* - Swamp White Oak  
*Quercus phellos* - Willow Oak  
*Quercus muehlenbergii* - Chinkapin Oak  
*Quercus rebra* - Red Oak  
*Tilia americana* - American Linden

Deciduous shrubs (30-inch minimum height)

*Clethra alnifolia* - Summersweet Clethra  
*Cornus sericea* - Redosier Dogwood  
*Hydrangea arborescens* - Smoothleaf Hydrangea  
*Ilex verticillata* - Winterberry Holly  
*Itea virginiana* - Virginia Sweetspire  
*Myrica pennsylvanica* - Northern Bayberry  
*Rhus aromatica* - Fragrant Sumac

Evergreen shrubs (30-inch minimum height)

*Ilex glabra* - Inkberry Holly

§ 154.179 MONUMENTS AND MARKERS.

(A) Monuments.

- (1) Location.

- (a) For all land developments and major subdivisions, permanent reference monuments shall be located at each intersection of rights-of-way of street(s) constructed by the developer, at the beginning and ending of all street curves, and at exterior corners of the subdivision or land development.
  - (b) For a minor subdivision, two permanent monuments shall be required, preferably at the street right-of-way line. Alternative monument requirements may be approved by the Township Engineer if an alternate arrangement still permits a surveyor to stake out accurately any building lot shown on the record plan.
- (2) Type. Reference monuments shall be constructed of steel reinforced portland cement concrete or to other materials pre-approved by the Township Engineer, and should have a minimum size of four by four inches square at the top, six by six inches square at the bottom, 24 inches in length, and shall have the top flush with the grade level.
- (B) Markers. All lot corner markers shall be permanently located and shall be at least a three-fourths inch metal pin or pipe with a minimum length of 20 inches, located in the ground to existing grade. Such markers shall be located prior to the lot being offered for sale.

#### § 154.180 SITE DESIGN GUIDELINES.

The following advisory guidelines are intended to assist the applicant in the preparation of site and building plans and to assist the Township in reviews.

- (A) Relation of proposed buildings to the surrounding environment. Relate proposed structure(s) harmoniously to the terrain. Seek compatibility and logical transitions between existing and proposed uses, create focal points with respect to avenues of approach, and relate open space between all existing and proposed buildings.
- (B) Drive, parking and circulation. For vehicular and pedestrian circulation (including walkways, interior drives, and parking) give special attention to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, stacking capacity at drive-through facilities, separation of main pedestrian crossings from the more heavily traveled vehicular routes.
- (C) Surface water drainage. Comply with the Township stormwater management regulations to minimize flooding on other properties. Consider methods to allow stormwater to infiltrate into the ground, as opposed to running off the ground. Separate possible contaminants from stormwater runoff routes. Make sure that vehicle routes can properly function during heavy rains.
- (D) Utility service. Place cable, electric service, and telephone lines underground, wherever possible. Locate above-ground utility structures to minimize their visibility and use earth-tone colors and landscaping around them when feasible.
- (E) Signs. Avoid excessively bright or garish signage and avoid use of day glow colors. Minimize the height of signs and add landscaping around the base of larger signs.

- (F) Special features. Provide needed setbacks, screen plantings and other screening methods for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures to help make them compatible with the existing or contemplated site design and with neighboring properties.
- (G) Preservation of landscape. Preserve the landscape in its natural state by minimizing tree and soil removal. Ensure the grade changes are compatible with the general appearance of the neighboring developed areas. Strive to protect the serenity of the surroundings and restore the trees and soil to their condition before development.
- (H) Solar energy use. Consider the desirability and feasibility of active and passive solar energy use. Orient proposed buildings and provide structures to provide for solar energy use and to preserve solar access of adjoining properties.

## **ARTICLE XI ADDITIONAL STANDARDS FOR MANUFACTURED HOME PARKS**

### **§ 154.190 APPLICABILITY.**

- (A) Generally. The requirements in this subchapter shall apply to any “manufactured home park” as defined by the zoning ordinance.
- (B) Terms. The terms mobile home and manufactured home shall have the same meaning.

### **§ 154.191 EXEMPTIONS.**

The following shall not be considered to be a manufactured home park, but instead shall be ruled by the applicable sections of this chapter and the zoning ordinance:

- (A) Offering of more than one manufactured home for sale for relocation to another tract, other than routine sale of previously occupied homes within a mobile home park;
- (B) Any development of manufactured homes involving only one dwelling unit per fee-simple lot, which shall meet all of the requirements for a single-family dwelling residential development; and
- (C) A manufactured home that is used only as a field office or work or tool house during an on-site construction project as a temporary use.

### **§ 154.192 OTHER REQUIREMENTS OF THIS CHAPTER.**

- (A) All provisions of this chapter shall apply to a manufactured home park, except for provisions that are specifically amended by this subchapter.
- (B) Every proposed manufactured home park shall be submitted, reviewed, approved, and recorded as a land development. The requirements for a subdivision may also need to be met if one or more new lots are created or lot lines are changed.

### **§ 154.193 GENERAL STANDARDS AND REQUIREMENTS.**

- (A) All manufactured homes sites within a manufactured home park shall be located on land with an average natural slope of less than 15%.
- (B) Any street, not including an approved parking court, shall meet township road bed construction requirements that would apply to a public street.
- (C) The manufactured home park shall have adequate access by emergency vehicles and shall include measures to provide adequate water supply for firefighting. If the water supply cannot feasibly be provided on-site, the requirement may be met by the applicant constructing a hydrant to access an available nearby water supply.
- (D) All manufactured home parks of more than 25 dwelling units shall include a qualified resident manager.
- (E) Access.
  - (1) Vehicle access to individual manufactured home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development. Streets within the development providing access to 20

or more dwellings shall have a paved cartway width of at least 26 feet, and other streets shall have a paved cartway width of at least 22 feet, provided on-street parking is prohibited. If on-street parking is allowed, the minimum cartway width shall be 30 feet.

- (2) All new streets within the manufactured home park shall be private and be maintained as part of the manufactured home park.
- (F) Other design standards and improvements.
- (1) Every manufactured home space shall be graded to provide a level, stable and well-drained stand for the manufactured home.
  - (2) Every space shall be provided with underground electric, telephone, and television cable (if available) connections.
  - (3) All fuel storage and supply systems shall be constructed and maintained in conformity with the regulations of all authorities having jurisdiction. No above ground fuel tanks shall be allowed within a required setback.
  - (4) An average of one deciduous street tree shall be provided for each 50 feet of frontage along any street. These trees shall meet the requirements of Article X.

§ 154.999 PENALTY.

- (A) Any person, partnership or corporation who or which has violated any provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Board of Supervisors or its authorized representatives, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney 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 § 154.004 without following the applicable procedures of this chapter.
- (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.
- (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 chapter 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 chapter.
- (D) See also the § 154.013(C). All fines collected for such violations shall be paid over to the Township.

Office use only  
File Number \_\_\_\_\_

**UPPER MILFORD TOWNSHIP**  
**SUBDIVISION & LAND DEVELOPMENT APPLICATION**

Date: \_\_\_\_\_

Application for:  Special Exception,  Subdivision,  Land Development  
 New Submission,  Revision to Previous Submission

Plan Type:  Sketch Plan,  Sketch Plan with Engineer Review,  Preliminary,  Final

Project Name: \_\_\_\_\_

Project Location: \_\_\_\_\_

Property Owner's Name: \_\_\_\_\_ Phone \_\_\_\_\_

Owner's Address: \_\_\_\_\_ E-Mail \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Phone \_\_\_\_\_

Applicant's Address: \_\_\_\_\_ E-Mail \_\_\_\_\_

Engineer's Name: \_\_\_\_\_ Phone \_\_\_\_\_

Engineer's Address: \_\_\_\_\_ E-Mail \_\_\_\_\_

Plot Data: Lehigh County PIN \_\_\_\_\_

Existing Zoning District \_\_\_\_\_ Total Acreage \_\_\_\_\_ Number of Lots \_\_\_\_\_

Plot Improvements Proposed:  New Streets,  New Curbing,  New Sidewalk,  Stormwater Controls,  
 Public Water,  Public Sewage,  On-Lot Sewage,  On-Lot Wells

**Attached Information Checklist from Upper Milford Township Subdivision & Land Development Ordinance and Required Supporting Documents:**

- §154.077 Preliminary Plan for Major Subdivision or Land Development Checklist.
- §154.092 Final Plan Requirements for Major Subdivision or Land Development Checklist.
- §154.107 Minor Subdivisions, Certain Land Developments and Lot Line Adjustments Checklist.
- §154.108 Lot Line Adjustments, Merger or Consolidation and Minor Revisions of approved Plans Checklist.
- Applicants Signed Statement of Authorization (Notarized for Final Plan Only).

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

Instructions:

1. Submit this Completed form in triplicate.
  - (a) Sketch Plan applicants include attachments as required but do not need to include plot improvement data.
  - (b) Preliminary & Final Plan applicants include all requested data as required by ordinance

Application Fees \$ \_\_\_\_\_ CK # \_\_\_\_\_ Escrow Fee \$ \_\_\_\_\_ CK # \_\_\_\_\_

Application, Application Fee & Escrow Fees Received By: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Planning Coordinator Date: \_\_\_\_\_

Application Deemed  Complete  Incomplete

**APPENDIX B: PLAN STATEMENTS, FORMS, AND LETTERS**

(1) Plan preparer's statements.

**PLAN PREPARER'S STATEMENTS - Model Forms**

I, \_\_\_\_\_, a registered surveyor of the Commonwealth of Pennsylvania, do hereby certify that the Plan, prepared from a field survey on \_\_\_\_\_, 20\_\_\_\_ correctly represents the property boundary of the proposed subdivision or land development.

\_\_\_\_\_  
Date Registered Surveyors' Signature

I, \_\_\_\_\_, a registered surveyor, registered landscape architect or licensed professional engineer in the Commonwealth of Pennsylvania, do hereby certify that the accompanying application, plans and supporting documentation are true and accurate, to the best of my knowledge.

\_\_\_\_\_  
Date Plan Preparer's Signature

\_\_\_\_\_  
Address Printed Name

(2) Owner's statement.

**OWNER'S STATEMENT - Model Form**

I/we make this statement being duly sworn according to law. I/we state that for the land involving the accompanying plans, we are the majority owners of this property or the authorized officers of the corporation that owns this property, and are in peaceful possession of it, and that there are no suits pending affecting the title of same, and that I/we acknowledge and endorse the accompanying plans and that we will propose a record plan for recording (as applicable), after receiving all required township approvals.

\_\_\_\_\_  
**OWNER'S OR AUTHORIZED CORPORATE OFFICER'S SIGNATURES**

\_\_\_\_\_  
Printed Name Printed Name

SWORN AND SUBSCRIBED BEFORE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

(3) Permit/approval certification.

PERMIT/APPROVAL CERTIFICATION - Required, Unless Alternative Text Pre-Approved by the Township

I/we hereby certify this date of \_\_\_\_\_ that I/we am/are the owners or authorized equitable owners of the property shown and depicted on the accompanying plans and that I/we and my/our heirs and assigns shall comply with all requirements and obtain all permits and approvals required by all local, state and federal agencies and bodies; and I/we agree and acknowledge that any approval of this plan by Upper Milford Township is contingent upon my/our obtaining such permits and approvals, and that if all such permits and approvals are not obtained as required, any and all approvals given by Upper Milford Township with respect to this plan shall automatically become null and void without further action on the part of the Upper Milford Township.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:

(4) Approval/review block.

APPROVAL/REVIEW BLOCK

REVIEWED BY THE LEHIGH VALLEY PLANNING COMMISSION

\_\_\_\_\_  
Lehigh Valley Planning Commission Staff Person    Date

REVIEWED BY THE TOWNSHIP ENGINEER

\_\_\_\_\_  
Township Engineer                      Date

REVIEWED BY THE UPPER MILFORD TOWNSHIP PLANNING COMMISSION

\_\_\_\_\_  
Chair Secretary                      Date

APPROVED BY THE UPPER MILFORD TOWNSHIP BOARD OF SUPERVISORS AND ACCEPTED FOR RECORDING

\_\_\_\_\_