

**SUBDIVISION AND
LAND DEVELOPMENT
ORDINANCE**

**HIGHLAND
TOWNSHIP**

**ADAMS COUNTY
PENNSYLVANIA**

Adopted: July 11, 2017

**HIGHLAND TOWNSHIP
ADAMS COUNTY, PENNSYLVANIA**

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**HIGHLAND TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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ARTICLE I

SHORT TITLE, PURPOSE AND JURISDICTION

Highland Township Subdivision and Land Development Ordinance

ARTICLE I - SHORT TITLE, PURPOSE, AND JURISDICTION

100 - SHORT TITLE

This Ordinance shall be known and may be cited as "The Highland Township Subdivision and Land Development Ordinance".

101 - PURPOSE

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

1. To protect and promote health, safety, and welfare;
2. To accomplish coordinated development;
3. To provide for the general welfare by protecting existing investment, fostering sound development and growth, promoting safety and convenience, and providing open and prescribed governance procedures and practices.
4. To guide type and location of streets, public grounds and other facilities and;
5. To permit the Township to minimize such problems as may presently exist or which may be foreseen.

102 - AUTHORITY AND JURISDICTION

The authority of the Township Supervisors to adopt this Ordinance regulating subdivision and land development within Highland Township is granted by Article V of the Pennsylvania Municipalities Planning code of July 31, 1968, Act No. 247 as reenacted and amended.

No subdivision or land development of any lot, tract, or parcel of land shall be made, no streets, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

103 - INTERPRETATION

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

104 - COUNTY REVIEW

All applications for subdivision and/or land development approval within Highland Township shall be forwarded upon receipt to the Adams County Office of Planning and Development for review and report. Such action shall occur at the Preliminary and Final Plan stages, and the Township shall not take action on said plans until the county report is received or until the expiration of thirty (30) days from the date the plans were forwarded to the county.

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105 - MUNICIPAL LIABILITY

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

ARTICLE II

DEFINITIONS

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ARTICLE II – DEFINITIONS

200 - DEFINITIONS

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

Words in the present tense include the future.

The singular includes the plural.

The word "shall" is mandatory; the word "may" is optional.

The word "person" means an individual, corporation, partnership, firm, association, company, or any other similar entity.

1. ACCESS DRIVE- A private drive, other than a driveway, which provides for vehicular access from a street.
2. ACCESSORY STRUCTURE- A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a detached household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.
3. ADVERSE CONDITION- Any condition that limits restricts or otherwise inhibits the use, enjoyment or functionality of a particular facility, tract or feature.
4. ALLEY- Refer to Streets, Minor
5. APPLICANT- A landowner or developer who has filed an application for development including his heirs, successors and assigns.
6. APPLICATION FOR DEVELOPMENT- Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.
7. AUTHORITY - A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No. 164) known as the "Municipality Authorities Act of 1945", as amended and/or re-enacted.
8. AVERAGE DAILY TRIPS (ADT) - The total volume of traffic during a given time period

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(in whole days) greater than one (1) day and less than one (1) year, divided by the number of days in that time period.

9. **BLOCK** - An area bounded by streets or other physical barriers on all sides.
10. **BORROW AREA**- An area, usually but not limited to being located offsite, which serves as a source for obtaining topsoil, fill, or other earthen material for which there is a deficit elsewhere on the project site.
11. **BOULEVARD ACCESS**- An entrance to a development that has a landscaping strip that separates the egress and ingress lanes of a typical access drive.
12. **BUILDING**- Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure." Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.
 - A. **ACCESSORY BUILDING**- A building subordinate to and detached from the principal building on the same lot and used for purposes customarily incidental to the principal building.
 - B. **ATTACHED BUILDING**- A building which has two or more party walls in common.
 - C. **DETACHED BUILDING**- A building which has no party wall.
 - D. **PRINCIPAL BUILDING**- A building in which is conducted the principal use of the lot on which it is located.
 - E. **SEMIDETACHED BUILDING**- A building which has only one party wall in common.
13. **BUILDING SETBACK LINES**- A line within a property designating the minimum distance that must be provided between any building or structure and an adjacent right-of-way line, property line, or street line, whichever shall apply. With regard to panhandle lots, the "handle" portion of the lot shall not be included within the building setback lines.
14. **CARTWAY**- The surface of a street or road which is improved, designated, or intended for vehicular use.
15. **CLEAR SIGHT TRIANGLE**- An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.
16. **COMMON OPEN SPACE**- A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use of residents of a development, not including streets, off street parking areas, and areas set aside for public facilities.
17. **COUNTY**- The County of Adams, Commonwealth of Pennsylvania.

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18. **COVERAGE**- That portion or percentage of a parcel in which the direct infiltration of stormwater runoff into the earth, is or will be modified and inhibited by materials, structures, facilities, etc.
19. **CROSSWALK**- A publicly or privately owned right-of-way for pedestrian use crossing a street.
20. **CUL-DE-SAC**- A street with access closed at one end, provided with a vehicular turn-around area at the closed end.
21. **DEVELOPER**- Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.
22. **DEVELOPMENT**- Any man made change to improved or unimproved real estate including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling; grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; subdivision of land.
23. **DEVELOPMENT PLAN**- The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.
24. **DRAINAGE**- The flow of surface water runoff and the methods of directing such flow which include but are not limited to a) the removal of surface water or groundwater from land by drains, grading, or other means which includes runoff controls to minimize erosion and sedimentation during and after construction and; b) the means for preserving the water supply and; c) the prevention or alleviation of flooding.
25. **DRIVEWAY**- A private vehicular access between a public street and a garage, carport, or other parking area for (1) single-family or two-family dwelling.
26. **DWELLING**- A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home." This Ordinance categorizes dwellings into the following types:
 - A. **CONVERSION APARTMENT** – A new dwelling unit created within an existing building within the standards of the Highland Township Zoning Ordinance.
 - B. **DUPLEX** – A building that includes two dwelling units that are located above each other.

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- C. APARTMENTS OF MULTI-FAMILY DWELLINGS- Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/row house. The individual dwelling units may be leased or sold for condominium ownership. If a building only includes two apartments, it shall be considered to be a Duplex.
- D. SECTIONAL OR “MODULAR” HOME- A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment that is substantially, but not wholly, produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a “mobile/manufactured home” and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- E. SINGLE FAMILY DETACHED DWELLING- One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides. This category includes mobile/manufactured homes that meet all the following requirements:
1. Is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing.
 2. Is designed for permanent occupancy.
 3. Which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.
 4. Is constructed so that it may be used with or without a permanent foundation.
 5. Is not a “Recreation Vehicle.” The terms “mobile home” and “manufactured home” have the same meaning. This term is different from a “Sectional home,” which is defined above.
- F. TWIN DWELLING UNIT- One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.
- G. TOWNHOUSE OR ROWHOUSE- One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit.
27. DWELLING UNIT- A single habitable living unit occupied by only one family. Each dwelling unit shall have:
- A. Its own toilet, bath or shower, sink, sleeping and cooking facilities and
 - B. Separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include either or both of the following:
 1. Two or more separate living areas that are completely separated by interior walls so as

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to prevent interior access from one living area to another, or

2. Two separate and distinct sets of complete kitchen facilities.
28. EASEMENT- A right of limited use granted on private property by the owner for public use or private use by another party or parties. The owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.
29. EASEMENT, UTILITY- A right-of-way granted for the limited use of land for public or quasi-public purposes, including the placement or installation of utilities; also the land to which such right(s) pertain.
30. EGRESS- The exit of vehicular traffic from abutting properties to streets, lanes, alleys, courts and ways.
31. ENGINEERING SPECIFICATIONS- The written specifications of the municipality regulating the installation of any required improvement.
32. EROSION- The removal of surface materials by the action of natural elements.
33. EXCAVATION- Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, carried, uncovered, removed, displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.
34. FILL- (a) Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom; (b) The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade; (c) The material used to make fill.
35. FLOOD
 - A. FLOODPLAIN AREA - A relatively flat or low land area adjoining a stream, river, or watercourse, which 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.
 - B. FLOODWAY - The channel of the watercourse and those portions of the adjoining floodplains which are reasonably required to carry and discharge the 100 - year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100 - year frequency floodway, it is assumed - absent evidence to the contrary -- that the floodway extends from the stream to 50 feet from the top of the bank of the stream.
 - C. ONE HUNDRED (100) YEAR FLOOD - The flood magnitude expected to be equaled or exceeded on the average of once in 100 years. It may also be expressed as the flood having a 1% chance of being equaled or exceeded in a given year.
 - D. REGULATORY FLOOD ELEVATION - The one hundred (100) year flood elevation,

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plus a freeboard safety factor of one and one-half (1 1/2) feet.

36. GOVERNING BODY- The Board of Supervisors of Highland Township, Adams County, Pennsylvania.
37. IMPROVEMENT- Physical additions and changes to the land that may be necessary to produce usable and desirable lots or a valuable addition to real property amounting to more than repairs or replacement of waste, costing labor or capital and intended to enhance its value, beauty or adapt it to new or further purposes.
38. INGRESS- The entrance of traffic from streets, lanes, alleys, courts and ways to abutting properties.
39. LAND DEVELOPMENT- Any of the following activities:
 - A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; 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
 - C. Development in accordance with the Water Supply section of this ordinance.
40. LANDOWNER- The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.
41. 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.
42. LOT, THROUGH OR DOUBLE FRONTAGE - A lot extending between and having frontage on two streets.
43. LOT AREA- The horizontal land area contained within the lot lines of a lot (measured in acres or square feet).
44. LOT, CORNER- A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

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45. LOT WIDTH- The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve.
46. MEDIATION- A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, the goal of which is to arrive at a written agreement acceptable to the parties.
47. MOBILE HOME- A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing; which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.
48. MOBILE HOME LOT- A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.
49. MOBILE HOME PARK- A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
50. MUNICIPAL AUTHORITY- A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No. 164), known as the "Municipal Authorities Act of 1945", as amended and/or re-enacted.
51. MUNICIPAL ENGINEER- A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.
52. OPEN SPACE- A parcel or parcels of land which meets all of the following standards:
 - A. Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.
 - B. Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
 - C. Will be preserved by a deed restriction or conservation easement to permanently prevent uses of land other than "preserved open space" and non-commercial recreation or a golf course open to the public, and
 - D. Does not use any of the following areas to meet minimum preserved open space requirements:

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1. Existing street rights-of-way,
 2. Vehicle streets or driveways providing access to other lots,
 3. Land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and farmstead which are permitted within land approved by the Township for agricultural preservation),
 4. Off-street parking (other than that clearly intended for noncommercial recreation),
 5. Area(s) needed to meet a requirement for an individual lot,
 6. For land intended to be open to the public, that does not have provisions for entry with a 15 foot minimum width by pedestrians from a street open to the public or from adjacent preserved open space that has access to such a street,
 7. Land that includes a storm water detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would:
 - a. Be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions or
 - b. Serve as a scenic asset resembling a natural pond,
 8. Portions of land that have a width of less than 50 feet,
 9. Areas that are under electric transmission lines that are designed for a capacity of 35 kilovolts or greater,
- E. Each square foot of preserved open space that is of 25 percent or greater slopes and each square foot within the 100 year floodplain shall only count as one-half square foot for the purposes of determining the amount of preserved open space.
53. PANHANDLE LOT - A lot that is connected to a public street by a narrow strip of land that is part of the lot but is generally not suitable for any structure.
54. PLAN, SKETCH- An informal plan, not necessarily to exact scale, indicating existing features of a tract, its surroundings, and the general layout of a proposed subdivision or land development.
55. PLAN, PRELIMINARY- A subdivision or land development plan indicating the proposed layout of a subdivision or land development as a basis for the preparation of the final plan.
56. PLAN, FINAL- A complete and exact subdivision or land development plan prepared for official recording as required by statute.
57. PLAT- The map or plan of a subdivision or land development, whether preliminary or final.
58. PLANNING COMMISSION- The designated planning agency of the Township of Highland, whose members are appointed by the Township Supervisors.
59. PUBLIC GROUND(S) - includes:

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- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas
 - B. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities
 - C. Publicly owned or operated scenic and historic sights.
60. PUBLIC HEARING- A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and the Pennsylvania Municipalities Planning Code (MPC) 53 Purdon's Statutes §10101, et seq., as amended.
61. PUBLIC MEETING- A forum held pursuant to notice under 65 Pennsylvania Consolidated Statutes CH. 7 (Relating to open meetings)
62. PUBLIC NOTICE- Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.
63. RE-SUBDIVISION- Any re-platting or re-subdivision of land limited to change in lot lines on an approved final plan or recorded plan.
64. RIGHT-OF-WAY- An area or strip of land which is reserved for use as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.
- A. STREET RIGHT-OF-WAY, EXISTING OR LEGAL- The official established street right-of-way that either the Township or the State presently own or hold an interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.
65. RUNOFF- The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow, which does not enter the soil but runs off of the surface of the land.
66. SIGHT DISTANCE- The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.
67. SLOPE- The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.
68. STREET- Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

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69. STREETS, MAJOR

- A. Arterial Street: A major street or highway with fast or heavy traffic of considerable continuity and used primarily as a traffic artery for intercommunications among large areas.
- B. Collector Street: A major street or highway which carries traffic from neighborhood collectors and/or minor streets to abutting collectors and/or arterials. For classification purposes, collector streets shall generally have an ADT greater than 1,000.
- C. Neighborhood Collector - A major street or highway which carries traffic from minor streets and/or other neighborhood collectors to abutting neighborhood collector and/or collector streets. For classification purposes, neighborhood collector streets shall generally have an ADT greater than 500 but less than 1,000.

70. STREETS, MINOR

- A. Minor Neighborhood Street - A street or roadway which primarily collects and conveys traffic from abutting properties and/or streets. For classification purposes, minor neighborhood streets shall generally have an ADT greater than 200 and less than 500.
- B. Minor Street - A street or roadway used primarily for access to abutting properties. For classification purposes, minor streets shall generally have an ADT less than 200.
- C. Alley - A minor right-of-way privately or publicly owned, used for service to the rear or sides or abutting properties, not intended for general traffic circulation.

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

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

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

74. TOWNSHIP- Highland Township Board of Supervisors or its designated representative (i.e. Planning Commission, Zoning Officer, etc.)

75. UNDEVELOPED LAND- Any lot, tract, or parcel of land which has not been graded or in any other manner improved or prepared for subdivision or land development or the construction of a building.

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76. WATER SURVEY- An inventory of the source, quantity, yield and use of groundwater and surface-water resources within a municipality.
77. WATERCOURSE- A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
78. WETLAND- An area of land and/or water meeting one or more definitions of a “wetland” under Federal and/or Pennsylvania law and/or regulations.

ARTICLE III

APPLICATION PROCEDURES AND PLAT REQUIREMENTS

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ARTICLE III - APPLICATION PROCEDURES AND PLAT REQUIREMENTS

300 - PRE-APPLICATION PROCEDURES

1. Copies of this Ordinance shall be available for review electronically at the Adams County website and at the Township Building, or for purchase by any person seeking information concerning land development and/or subdivision standards and procedures in effect within the Township. Any prospective developer or subdivider may meet with the Township Planning Commission to discuss and review proposed plans and/or provisions of this Ordinance. The developer may request that a pre-application meeting be held to discuss specific proposal requirements. Such requests shall be made to the Board of Supervisors in writing.
2. Prior to the Final Plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environmental Protection, as may be applicable.
3. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control, wetlands, and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any of the subdivision or development is located in an area subject to flooding. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life, or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.

301 - SKETCH PLAN

Prior to the submission of a Preliminary Plan, developers are encouraged to submit a sketch plan to the Township Planning Commission. This will enable the Planning Commission to review the proposal for the fundamental factors that may affect the development. Discussions on sketch plans are intended as purely advisory and shall not exempt the developer from any additional requirements of this or any other ordinances affecting the development. The Planning Commission may, at its discretion or when requested by the applicant, submit the Sketch Plan to the Township Engineer or Solicitor and the County Planning Agency for review and comment in order to provide the developer with more specific written directive. If the Sketch Plan is reviewed by the Engineer or Solicitor, the applicant shall provide the Township with a deposit in accordance with the fee schedule to cover the cost of such review. A sketch plan should contain the following information at a minimum:

1. Location map.
2. General information concerning any community facilities and/or any other man-made or natural features that will affect the proposal.
3. Property boundary taken from deeds, tax maps, or other surveys.
4. A sketch of the proposed development drawn at a scale no smaller than 1" = 100' showing the proposed layout of streets and lots, and other features of the subdivision or development. The Sketch Plan may also indicate the tentative layout of any proposed utilities or drainage structures.
5. Contours from USGS Quadrangle map or other source.
6. Soil boundaries as taken from the Adams County soil survey manual.

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7. Floodplain as taken from the Flood Insurance Rate Map for Highland Township, provided by FEMA (Federal Emergency Management Agency).
8. A statement indicating the zoning district and appropriate criteria.
9. Name of property Owner and all adjoining property Owners.

302 - PRELIMINARY PLAN PROCEDURES

In proposed residential developments involving no more than three (3) lots proposing exclusively single family detached dwellings each of which will abut an existing public right-of-way and will not require construction of public improvements the submission of a Preliminary Plan is waived. However, all other applicable requirements and specifications shall remain the same.

302-A - SUBMISSION OF THE PRELIMINARY PLAN

In conjunction with the submittal of the plan, an application must be completed and signed by the developer. This must include supplementary data, application fees and a deposit of required fees for engineering and legal review, as required by the Ordinance. Preliminary Plans and all required accompanying documentation shall be submitted to the Township a minimum of thirty five (35) days in advance of the regularly scheduled Planning Commission meeting in which the applicant wishes the plan to be reviewed. All plans will undergo an initial staff review before being considered as a complete submission. During this initial review, plans will not be released to Planning Commission members for formal review. In the event that the application is deemed incomplete, the Township shall notify the applicant, in writing, within ten (10) business days of its receipt of the application. Should the applicant fail to provide a written withdrawal of the submission, or fail to provide missing items, in either event by the day the agenda closes for the next meeting of the Board of Supervisors, the Township Secretary shall place the matter on the Agenda for that meeting, at which time consideration shall be given to deny approval of the plan under the relevant authority of this Ordinance and the Pennsylvania Municipalities Planning Code. A complete submission shall consist of the specified number of copies of plans, reports and applications including the following items (where required by ordinance):

1. Completed Application Form (provided by Township) signed by Land Owner or Land Owner's Agent.
2. Seven (7) blue-line or black-line paper prints of the Preliminary Plan showing all the information required in Section 304 of this Ordinance, one of which must be delivered to the township's engineer and one to the county's Office of Planning and Development.
3. Four (4) copies of all other required documentation including but not limited to Stormwater Management Report, Sewage Facilities Planning Module, Erosion Control Plan and Calculations, and Wetlands Delineation Report.
4. A filing / application fee as established in ARTICLE VI of this Ordinance.

Approval of the Preliminary Plan constitutes approval of the proposed subdivision or land development with respect to the layout, design, the dimensions and other planned features. Preliminary approval binds the developer to the scheme of the Plan as approved. Preliminary approval does not authorize the recording, sale or transfer of lots.

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302-B - ACTION ON PRELIMINARY PLAN BY THE PLANNING COMMISSION

The Township Planning Commission may perform the following:

- A. Review all applicable reports from the Adams County Office of Planning and Development, Township Zoning Officer, Township Engineer, Township Planning Consultant, appropriate Water and/or Sewer Authority, Pennsylvania Department of Transportation, Soil Conservation District, and other reviewing agencies;
- B. Discuss the submission with the Applicant; and
- C. Recommend revisions so that the plan will conform to Townships Ordinances;

The Township Planning Commission shall perform the following:

- A. Determine whether the Preliminary Plan meets the requirements of this Ordinance, and other Ordinances of the Township; and
- B. Recommend approval or disapproval of the Preliminary Plan to the Board of Supervisors. In the case of a recommended disapproval, the Planning Commission shall indicate the specific deficiencies and the Ordinance provisions which have not been met.

302-C - ACTION ON PRELIMINARY PLAN BY THE BOARD OF SUPERVISORS

1. Following receipt of the written decision from the Township Planning Commission, the Board of Supervisors shall consider the Preliminary Plan at its next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and in addition, the Board of Supervisors may also schedule a public hearing, pursuant to public notice, before taking any action on the plan.
2. Action on a Preliminary Plan shall be taken by the Board of Supervisors not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission, next following the date that a complete application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than thirty (30) days following the filing of a complete application, or the final order of the court, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the complete application has been filed. In its review, the Board of Supervisors shall consider the reports and recommendations of the Township Planning Commission and the various other individuals or agencies to which the plan was sent for review and comment. As a result of its review, the Board of Supervisors may require or recommend such changes and modifications as it shall deem necessary or advisable in the public interest.
3. The decision of the Board of Supervisors concerning the plan shall be made in writing and shall be communicated to the developer not later than fifteen (15) days following the meeting at which the decision is made. If a plan is not approved, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
4. Failure of the Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required by the Pennsylvania Municipalities Planning Code (MPC) shall be deemed an approval of the application in terms as presented unless the developer has agreed, in writing, to an extension of time or change in a prescribed manner or presentation of communication of the decision, in which case, failure to meet the extended

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- time or change in manner of presentation of communication shall have like effect.
5. Approval of the Preliminary Plan shall not constitute approval of the Final Plan for any purpose or reason, but shall constitute conditional approval of the proposed development as to its character and layout.
 6. When a Preliminary Plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the plan for such approval was duly submitted to the Township.
 7. In lieu of disapproving a plan the Board of Supervisors may approve the preliminary plan subject to conditions acceptable to the applicant. Where a plan is conditionally approved the written decision shall state the conditions of approval along with any applicable time limits for satisfaction of conditions. When a conditional approval is granted and a written decision is provided to the applicant, the applicant shall have seven (7) business days from the date of notice of the decision to notify the Township that the conditions are not acceptable, or they shall be deemed accepted by the applicant. In the event that the applicant notifies the Township that the conditions are unacceptable, the approval of the plan will automatically be rescinded and the plan is considered to be disapproved.
 8. When the applicant revises the plan to an extent which the Township determines to be a major revision (i.e. street layout, design or layout changes in utilities, lot changes, lot revisions, etc.), or if unauthorized revisions are made, the ninety (90) day review period shall automatically be restarted and shall begin with the date of the Planning Commission meeting following the re-submittal or thirty (30) days after re-submittal, whichever shall come first.
 9. If, following the due filing of the plan, the township determines that substantial amendments have been made to the plan; the plan must be re-submitted as a new plan with a new application and a new filing fee. The previous plan will be considered withdrawn upon written communication from the developer that it is no longer to be considered.

302-D - ZONING REVIEW

All land development and subdivision plans must be submitted to the Highland Township Zoning Officer or designated official responsible for zoning review. Preliminary plan approval will not be granted prior to receipt of written proof of conformance to the Zoning Ordinance as it relates to the preliminary plan.

302-E - PROVISION FOR ADDITIONAL REVIEW

The Township may solicit the review and comment of additional agencies and public services such as the appropriate fire department, emergency management agency, school district, PennDOT, including sub-consultants of the township engineer deemed necessary to adequately review the project. Copies of such review shall be made available to the developer and the fees for such review(s) shall be the responsibility of the applicant in accordance with the requirement of this Ordinance.

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303 - PRELIMINARY PLAN REQUIREMENTS

The Preliminary Plan submission shall be prepared by a registered surveyor or engineer and be drawn on reproducible stable transparency, using black ink for all data including approval signatures. Such plats and surveys shall be prepared in accordance with Act of May 23, 1945, (P.L. 913, No. 367), known as the Engineer, Land Surveyor and Geologist Registration Law. The foregoing requirements shall not preclude the preparation of a plat in accordance with the Act of January 24, 1966 (1965 P.L. 1527, No. 535), known as the Landscape Architects' Registration Law, when it is appropriate to prepare the plat using professional services as set forth in the definition of the "practice of landscape architecture" under Section 2 of that Act.

303-A - INFORMATION REQUIRED

The Preliminary Plan shall show:

1. Name of proposed subdivision, and of the municipality in which it is located.
2. Name, address and telephone number of the developer/sub-divider.
3. Name, address, telephone number, license number and seal of the professional engineer, or registered surveyor who prepared the drawings.
4. Date of origin and of each subsequent revised submission.
5. True or magnetic north point.
6. Scale shall be no less than 1"=50' unless otherwise approved by the Township engineer and the scale shall be shown in both graphic and written formats.
7. Certification by professional engineer or surveyor that depicted topography is field surveyed for all instances where grading activities and/or public improvements are proposed.
Subdivision Plans that do not propose public improvements may utilize USGS quadrangle mapping or County Mapping Office / Aerial topography as provided by the Adams County Tax Services office.
8. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch equals two thousand (2000) feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plans existing within one thousand (1000) feet of any part of the property. In addition, a title, scale, and north point shall be indicated.
9. The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined by accurate survey in the field, which shall close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet before adjustment; provided, however, that the boundary(s) adjoining additional un-platted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the placement of the monuments.
10. A Plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
11. Boundaries of adjacent properties and recorded name and deed reference. When adjacent properties are part of a recorded plat only the lot number and subdivision name need be shown, provided that the plat was drawn to the standards of this Chapter.
12. Contour lines at vertical intervals of no more than two (2) feet for land with average natural slope of four percent (4%) or less, and at intervals of no more than five (5) feet for land with

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average slope exceeding four percent (4%). Contour intervals of one (1) foot are required for utility and drainage plans.

13. Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum used shall be based on USGS mean.
14. Cartway and right-of-way widths, the name (or number), and lines of all proposed and existing public streets and the name and location of all other roads within the property.
15. A certification of ownership, acknowledgment of the plan and offer of dedication (where applicable) shall be signed by the owner(s) and notarized.
16. Location of existing streets and alleys adjoining the tract including name, width, width of cartway, and sidewalks.
17. The location (and elevation, if established) of all existing and proposed street/corner monuments.
 - a. A street/corner monument shall be set along a common lot line for every two (2) lots unless otherwise approved by the Township Engineer. If feasible, the monument should be set along the street right-of way line.
18. Location of existing and proposed rights-of-way and easements.
19. Lot numbers and a statement of the total number of lots and parcels.
20. The location and dimensions of existing and proposed lot lines.
21. The building setback lines for each lot, or other sites.
22. For developments where on-site sewage disposal systems will be used, the location where the soils evaluations test was conducted for each lot.
23. A statement of the intended use of all lots including reference to zoning districts, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision.
24. Location and size of existing and proposed utility structures and/or transmission lines including sewer, water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
25. The location of any existing bodies of water or watercourses, tree masses, buildings or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or near the proposed subdivision.
26. Location, size and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or existing capped sewer lines) and location of all manholes.
27. Location, size and invert elevation of all existing and proposed storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
28. Location of drainage structures, including marshes, ponds, streams or similar conditions.
29. Parks, playgrounds and other areas to be dedicated or reserved for public use, with any conditions governing such use.
30. Where the development lies partially or completely in any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.
31. All plans for property on which hydric soils exist shall provide a report, prepared by a qualified wetland delineator (subject to approval by the Township), indicating the absence or presence of wetlands on-site. If wetlands are present, an Army Corps of Engineers

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recognized professional with specific expertise in this type of survey shall perform a field delineation of existing wetland boundaries. In both cases, a note shall be added to all plans that state that Highland Township, its agents and or employees assume no liability with regards to wetland analyses and delineations.

32. Reference to deed book and page number for property being developed.
33. No plat which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be approved unless the plat contains a notice that a Highway Occupancy Permit 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. The plat shall be marked to indicate that access to the state highway shall be only as authorized by a Highway Occupancy Permit.
34. All plans shall include the soil types and boundaries located on the subject tract. Boundaries and soil data shall be taken from the County Soil Survey.
35. All existing features, structures, formations and the like shall be clearly depicted, labeled and dimensioned (where appropriate).
36. A review letter from the Adams County Office of Planning and Development reviewing and commenting on the proposed subdivision and/or land development.
37. The following notes shall be placed on all plans:
 - a. "Highland Township assumes no responsibility with regard to the process of wetlands delineation. The accuracy of each delineation presented to the Township shall be the responsibility of the applicant and his consultant. A final determination of each delineation's accuracy may be made by the Pennsylvania Department of Environmental Protection Agency, the United States Army Corps of Engineers, or any subsequently empowered governmental regulatory agency."
 - b. "A Highway Occupancy Permit 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 Highway Occupancy Permit."
 - c. "No construction requiring Township building permits shall begin until approval of the Final Plan and any other required governmental authorizations are obtained."
 - d. "For plans involving proposed improvements, a preconstruction meeting must be held prior to the start of construction. At a minimum, the applicant, Township representatives/Township Engineer/Developers Engineer and contractor shall be present."
 - e. "Prior to authorization for construction of improvements which will be offered for dedication to the Township at a later date, a final construction drawing set shall have been approved by the Township Engineer."
 - f. "Prior to receipt of a building permit for any residential structure, a site grading and stormwater management plan may be required to be submitted to the Township for review."
 - g. "Burning and burying of construction debris on-site is prohibited."
 - h. "Some of the lands within the Township are located within an area where land is used for commercial agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibilities of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil

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amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibilities of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 "The Right To Farm Act" may bar them from obtaining a legal judgment against such normal agricultural operations."

- i. "All roads constructed in Highland Township shall meet all state of Pennsylvania specifications. Highland Township does not accept dedication of roads. Roads in any development are and will continue to be considered private roads, in which the Township will not maintain roads or associated rights of way and any stormwater management facilities located within said developments and rights of way."

38. An approval block for the use of Township Supervisors and a signature block for the Township and County Planning groups.

303-B - SUPPLEMENTARY DATA REQUIRED

The Preliminary Plan shall be accompanied by the following supplementary data where applicable and determined by the Township to be necessary:

1. A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PADEP). For projects involving proposed public sewer extensions or central sewer facilities, the planning module when deemed to be necessary must be submitted to the Township for review. Preliminary Plan will not be unconditionally approved until the planning module has been approved by the Pennsylvania Department of Environmental Protection.
2. A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act. The plan shall also indicate if any borrow/spoil areas are proposed in which case the plan shall include Erosion and Sediment Control provisions for each such borrow area.
3. Final designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation. Where facilities will be offered for dedication, the Township shall also review and approve the design, utilizing the standards of the above listed agencies.
4. Typical street cross-section drawings for all proposed streets.
5. Final profiles along the centerline of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades and utilities which are existing or proposed to be located beneath the roadway surface, and within the roadway right-of-way.
6. The applicant shall submit a Water Supply Feasibility Report in accordance with the requirements of this Ordinance concerning the availability of, impact to and adequacy of water supply facilities in or near the proposed subdivision and/or land development, unless this requirement is otherwise waived by the Township at the request of the applicant.
7. Stormwater management plan and calculations including design of storm sewers in accordance with the Highland Township Stormwater Management Ordinance, as amended.
8. Where the Preliminary Plan covers only a part of the entire land-holdings, a sketch of the future street system of the unsubmitted part.

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9. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum (or petroleum products) transmission line located within the tract, the application shall be accompanied by a letter from the owner or leasee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
10. Where determined to be necessary by the Township, the developer shall submit a traffic impact study (which includes traffic control devices) in accordance with Township Standards.
11. Preliminary design of Sanitary Sewer and Water systems, including plan and profiles. Where applicable, design of sanitary sewer and water systems shall be submitted to the appropriate Municipal Authority or private Utility Company for review and approval. Where necessary, approval deemed will not be granted until a letter from the applicable Municipal Authority or private Utility Company or signature on the plan by the Authority or private Utility Company is received.
12. A land grading plan in accordance with the requirements of this Ordinance.
13. A listing of underground utilities and contact information as per PA Act 287, 172 and 38 as may be amended (Pennsylvania One Call System).
14. Location and general layout of any proposed recreational facilities.
15. An offer of dedication shall be shown on the plan identifying which improvements are intended to be dedicated to the Township or applicable Municipal Authority.
16. Whenever a Land Development Plan proposes to dispose storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural water course, a letter shall be obtained from the affected property owners stating their approval of the proposal after they have reviewed the required Stormwater Management Plan. If deemed necessary, a formal easement and agreement may be required from the affected property owners.
17. Preliminary landscaping Plan in accordance with the requirements of this Ordinance.
18. Where access will be to a Township Road, the Plan shall identify the location of a proposed access drive(s), and sight distance(s) which are adequate to demonstrate that the site can be served with an access.
19. Water and sewer feasibility reports, as may be required.

304 - FINAL PLAN PROCEDURES

Submission of a Final Plan for approval by the Township shall occur not more than five (5) years following the date of approval of the Preliminary Plan. Failure to submit the Final Plan within this period of time shall make the approval of the Preliminary Plan null and void. Except for any modifications or changes required by the Township, the Final Plan shall conform to the approved Preliminary Plan. Where significant modifications or changes, other than those required by the Township, are made to an approved Preliminary Plan, the plan shall be submitted anew as a Preliminary Plan.

304-A - SUBMISSION OF THE FINAL PLAN

In conjunction with the submittal of the plan, an application must be completed and signed by the developer. This must include supplementary data, application fees and a deposit of required fees for engineering and legal review, as required by the Ordinance. Final Plans and all required

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accompanying documentation shall be submitted to the Township a minimum of thirty five (35) days in advance of the regularly scheduled Planning Commission meeting in which the applicant wishes to review the plan. All plans will undergo an initial staff review before being considered as a complete submission. During this initial review, plans will not be released to Planning Commission members for formal review. In the event that the application is deemed incomplete, the Township shall notify the applicant, in writing, within ten (10) business days of its receipt of the application. Should the applicant fail to provide a written withdrawal of the submission, or fail to provide missing items, in either event by the day the agenda closes for the next meeting of the Board of Supervisors, the Township Secretary shall place the matter on the Agenda for that meeting, at which time consideration shall be given to deny approval of the plan under the relevant authority of this Ordinance and the Pennsylvania Municipalities Planning Code. A complete submission shall consist of the specified number of copies of plans, reports and applications including the following items (where required by ordinance):

1. Completed Application Form (provided by Township) signed by Land Owner or Land Owner's Agent.
2. Six (6) blue-line or black-line paper prints of the Final Plan showing all the information required in Section 306 of this Ordinance.
3. Four (4) copies of all other required documentation including but not limited to Stormwater Management Report, Erosion Control Plan and Calculations, Wetlands Delineation Report, and the Sewage Facilities Planning Module.
4. A filing / application fee as established in ARTICLE VI of this Ordinance.

304-B - ACTION ON FINAL PLAN BY THE PLANNING COMMISSION

Action on the Final Plan shall be taken in the same manner as for Preliminary Plans. In addition, if a Final Plan is approved, the Planning Commission Chairman and Secretary shall sign the Record Plan and all prints and forward all but one (1) print to the Board of Supervisors along with a copy of its written decision as it appears in the meeting minutes.

304-C - ACTION ON THE FINAL PLAN BY THE BOARD OF SUPERVISORS

1. Following receipt of the written decision in the form of meeting minutes from the Planning Commission, or a personal report by either the Chairman of the Planning Commission or the Township Secretary to the Board of Supervisors at a scheduled public meeting, the Board of Supervisors shall consider the Plan at their next regularly scheduled or special meeting, the developer shall be notified, and in addition, the Board of Supervisors may also schedule a public hearing pursuant to public notice before taking any action on the Plan.
2. Action on a Final Plan shall be taken by the Board of Supervisors not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission, next following the date that a complete application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than thirty (30) days following the filing of a complete application, or the final order of the court, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the complete application has been filed.

In its review, the Board of Supervisors shall consider the reports and recommendations of the Township Planning Commission and the various other individuals or agencies to whom the plan was sent for review and comment. As a result of its review, the Board of Supervisors

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may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

3. The decision of the Board of Supervisors concerning the plan shall be in writing and shall be communicated to the developer not later than fifteen (15) days following the meeting at which the decision is made. If a plan is not approved, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
4. Failure of the Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required by this Ordinance shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.
5. Before any Final Plan is signed, the developer shall either install all the required improvements in accordance with the plans or shall provide for deposit with the Township a corporate bond or other security acceptable to the Township in the amount of one hundred ten percent (110%) of the cost of such improvements as estimated by the Township Engineer in accordance with the procedure outlined in the MPC. Such bond or security shall provide for the completion of all required improvements within a stated period which shall not be longer than two (2) years from the date of approval of the Final Plan or as otherwise stipulated in the land development agreement. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law".
6. When a Final Plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the plan for such approval was duly submitted to the Township.
7. In lieu of disapproving a plan the Board of Supervisors may approve the final plan subject to conditions acceptable to the applicant. Where a plan is conditionally approved the written decision shall state the conditions of approval along with any applicable time limits for satisfaction of conditions. When a conditional approval is granted and a written decision is provided to the applicant, the applicant shall have seven (7) business days from the date of notice of the decision to notify the Township that the conditions are not acceptable, or they shall be deemed accepted by the applicant. In the event that the applicant notifies the Township that the conditions are unacceptable, the approval of the plan will automatically be rescinded and the plan is considered to be disapproved.
8. When the applicant revises the plan to an extent which the Township determines to be a major revision (i.e. street layout, design or layout changes in utilities, lot changes, lot revisions, etc.), or if unauthorized revisions are made, the ninety (90) day review period shall automatically be restarted and shall begin with the date of the Planning Commission meeting following the re-submittal or thirty (30) days after re-submittal, whichever shall come first.
9. Notice to School District. Each month a municipality shall notify in writing the

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superintendent of a school district in which a plan for a residential development was finally approved by the municipality during the preceding month. The notice shall include, but not limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

304-E - RECORDING OF PLAN

1. Upon approval of a Final Plan by the Township, the developer shall record the approved Final Plan (and other documentation required under plan approval) in the Adams County Recorder's office within ninety (90) days of such final approval, or the date the approval of the Township is noted on the Plan, which ever is later. No plan shall be recorded unless it officially notes the approval of the Township and review by the Adams County Planning and Development or other County designated agency.
2. If the plan is not recorded by the developer within ninety (90) days of the approval by the Township, it shall be null and void unless an extension of time is granted by the Board of Supervisors upon request from the developer.
3. The developer shall submit additionally one (1) reproducible mylar copy and three (3) blueprint or paper copies of the approved and signed Final Plan to the Township for its records.
4. After the Plan has been recorded, a copy of the Record Plan and Recorder's Certificate shall be submitted to the Board of Supervisors. This shall be required prior to issuance of any applicable licenses or building permits.
5. No land in a development shall be sold or transferred prior to recording of the Final Plan.
6. Upon approval and where required, one (1) electronic/digital copy of the Final and construction plan shall be provided in a format acceptable to the Township.

304-F - LIMITATIONS OF FINAL PLAN APPROVAL

The approval of the Final Plan by the Township shall be deemed as an acceptance of the plan and shall authorize the Recorder of Deeds to record the Plan, but shall not impose any duty upon the Township concerning maintenance of improvements or other portions of the same until said Township shall have accepted the same by the dedication for public use. The Township is under no obligation to accept a dedication of improvements, and it may choose to never accept such a dedication. If not accepted, the duty to maintain the dedicated improvements shall be borne by the developer and his heirs and assigns.

305 - FINAL PLAN REQUIREMENTS

The Final Plan submission shall be prepared by a registered surveyor or engineer and shall be drawn on reproducible stable transparency, using black ink for all data including approval signatures.

305-A - INFORMATION REQUIRED

All information required for the Preliminary Plan (as detailed in Section 303-A, as amended) is also required for the Final Plan, in addition to the following items:

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

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- A. The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or chord) of all curved lines (including curved lot lines).
 - B. The width (in feet) of the cartway, right-of-way and, if required, of the ultimate right-of-way, and (in degrees, minutes, and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.
 - C. All straight lot lines, defined (in feet and hundredths of a foot) by distances and (in degrees, minutes, and seconds) either by magnetic bearings or by angles of deflection from other lot and street lines.
2. If a subdivision proposes a new street intersection with a State Legislative Route, the highway occupancy permit number(s) shall be indicated for all such intersections (if available). If a permit has not yet been obtained, the Plan must contain a note that requires a Highway Occupancy Permit be obtained in accordance with the State Highway Law.
 3. Traffic control devices, as may be required. This shall include necessary engineering studies to justify such devices.
 4. A review letter from the Adams County Office of Planning and Development reviewing and commenting on the proposed subdivision and/or land development.

305-B - SUPPLEMENTARY DATA REQUIRED

All supplementary data required for the Preliminary Plan (as detailed in Section 303-B, and as amended) is also required for the Final Plan, in addition to the following items:

1. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawing(s) may be shown either on the Final Plan or on the profile sheets.
2. Profile sheets for all proposed streets within the development per requirements for preliminary plan.
3. An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks. This shall be so noted on the plan.
4. Copies of permits for sewer, water, stormwater, transportation and erosion control facilities.
5. Where the Final Plan covers only a part of the entire landholdings, a sketch of the future street system of the un-submitted part shall be furnished. The street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.
6. Water and sewer feasibility reports are required including any updated information which may have become available since the submission of the Preliminary Plan.
7. A copy of the approved Erosion and Sedimentation Control Plan.
8. A copy of the approved Stormwater Management Plan.
9. Where deemed necessary by the Township, a map showing the location of the proposed development with respect to the Township's flood-prone area, including information on the Regulatory Flood Elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special restrictions. In addition, where the proposed development lies partially or completely in any flood-prone area, or border on any flood-prone area, such map shall also show the location and elevation of proposed roads, public utilities, and building sites.
10. A copy of the approved Sewage Planning Module for land development as approved by the Pennsylvania Department of Environmental Protection.
11. Such private deed restrictions, including building setback lines, as may be imposed upon the

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property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.

12. Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Planning Commission or Board of Supervisors.
13. An affidavit to the effect that all affected municipalities have been notified of any alteration and/or relocation of any watercourse.
14. A note shall be placed on the drawing indicating that a copy of the approval from the PA Department of Labor & Industry, where applicable, shall be provided before a Building Permit is issued.
15. Where required by the Township, Land Development Agreement(s) shall be executed. A Land Development Agreement is required where there will be dedication of improvements to the Township or under the circumstances where deemed to be necessary for the implementation of plan approval. Details and provisions of such agreement shall be as recommended by the Township's Solicitor and Engineer.

306 - RESUBDIVISION PROCEDURE

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

307 - ADDITIONS TO EXISTING LOTS

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

1. The parcel to be added must be contiguous to the existing lot.
2. The plan prepared for the addition of this parcel shall follow the procedures outlined in this Ordinance.
3. The applicant shall record in the Recorder of Deeds Office of Adams County a memorandum that both parcels shall be considered as one single tract for the purposes of subdivision. Or, a draft of a new deed for the parcel(s) of land be provided to the Township for review and ultimately recorded.
4. An acknowledgement / concurrence block shall be provided for the recipient of the additional lot area to provide a notarized signature.
5. A note shall be placed on the plan that states:
"The Lot Addition(s) may not be retained or sold separately except to an adjoining lot owner and must become an integral part of the deed to which they are attached."

308 - COMMENCEMENT AND COMPLETION OF CONSTRUCTION AND IMPROVEMENTS

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

- A. Plan Approval; security agreement; developers or land development agreements; along with any other Township permits.
- B. In the case of public improvements, the Construction Plan shall be signed by the Township Engineer indicating the Final Plan set is to be used for Construction of public improvements.

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2. No construction shall be commenced until the applicant files with the Township all permits, approvals, clearances and the like from government agencies (such as those from the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation, and/or the Township) authorities and companies which may provide water supply or sewage disposal facilities pipeline easement holders or others.
3. In the case where development is projected over a number of years, each section except for the last section shall contain a minimum of twenty-five percent (25%) of the total number of lots, dwelling units or buildings as depicted in the final plan, unless a lesser percentage is approved by the Board of Supervisors.
4. A copy of the approved plan shall be available at the construction site at all times.
5. The applicant shall commence construction of improvements within one (1) year from the approval date of the Final Plan, unless approved otherwise by the Board of Supervisors.

309 - AS BUILT PLAN

After Final Plan approval and upon completion of all required improvements, the applicant shall submit an As-Built Plan prepared, signed and sealed by a registered professional engineer or surveyor. The As-Built Plan shall be provided on a reproducible media and drawn to the same scale as the approved Final Plan and shall be reviewed and approved by the Township Engineer. In addition, one (1) electronic / digital copy of the As-Built plan shall be provided in a format and on a media by which the Township can utilize the digital file for the purpose of future roadwork, utility improvements, exhibits, etc.

1. Said Plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to:
 - A. Monuments and markers.
 - B. The location of the cartway and curb, for both sides of each street.
 - C. Sanitary sewer main, manholes, rim and invert elevations and laterals.
 - D. Storm sewers, inlets, rim and invert elevations and culverts.
 - E. Water mains, service lines, valves, and fire hydrants.
 - F. Street lights.
 - G. Landscaping and screen planting.
 - H. Berms.
 - I. Permanent sedimentation, erosion control and stormwater management structures with as-built storage volume and outlet structure elevations and as-built elevations for all detention/retention basins or other storage structures.
 - J. All easements and rights-of-way.
 - K. All buried utilities, gas, electric, cable, water, sewer, etc.
2. The As-Built Plan shall be submitted in complete and accurate form prior to the final release of security funds being withheld, as provided in Section 516.
3. Completion of As-Built drawings in accordance with this ordinance shall not relieve the applicant from its responsibility as may be required by the applicable Municipal Authority.

ARTICLE IV

DESIGN STANDARDS

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ARTICLE IV - DESIGN STANDARDS

400 - APPLICATION OF STANDARDS

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

401 - GENERAL SITE STANDARDS

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

1. The land development plan and guiding principles for subdivision and land developments shall be observed with respect to factors affecting the suitability of the site for such development.
2. A land development must be coordinated with existing land development in the neighborhood so the entire area may be developed harmoniously.
3. Land proposed for land development shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless provisions for minimizing erosion and sedimentation are provided as required by the Pennsylvania Department of Environmental Protection and the Adams County Conservation District. The developer is responsible for obtaining approval and/or permits from one or both of these agencies as required.
4. In a development where the average slope exceeds fifteen percent (15%), the Township may require modifications to those regulations as may be recommended by the County Conservation District or the Township Engineer.
5. In all developments, every precaution shall be taken to preserve all natural and historic features determined to be worthy of preservation by the Township. The developer is to provide evidence that the proposed subdivision and/or land development is not of natural or historic importance. Examples of such features would include, but not be limited to, wetlands, floodplains, large trees and stands of trees, watercourses, historic areas and structures, scenic view, etc. To ensure the protection of such features, the Township may require the following additional information to be submitted.
 - A. A grading plan showing the existing and proposed ground elevations relative to the features.
 - B. The accurate location of the features to be protected.
 - C. An explanation of the precautions to be taken by the developer to protect such features.
6. Any plans for the alteration of a watercourse shall be incorporated into the design plans and subject to approval by the Township, or where necessary, the U.S. Army Corps of Engineers, and/or Pennsylvania Department of Environmental Protection.

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7. Land subject to hazards of life, health, or property as may arise from fire, floods, disease, excessive noise, odor, airport operations, or considered uninhabitable for other reasons may not be developed unless the hazards have been removed or the plans show adequate safeguards against them.
8. Except for a privately developed water body, developments adjacent to a river, stream, or other significant body of water shall adhere to the following standards.
 - a. No building may be located within sixty (60) horizontal feet of the edge of any watercourse or have a first floor elevation less than three (3) feet above the ordinary high water level of the watercourse.
 - b. Public access points shall be provided to the water body at an interval of not less than one point in every one-half (1/2) mile along the shoreline.
 - c. No building or street may be erected in any area which is subject to flooding or which has been designated as floodplain area unless it is in strict compliance with related Township Ordinances and Regulations.
9. Where the lots in a subdivision are large enough for re-subdivision or where a portion of the tract is not developed, suitable access to these areas shall be provided.
10. In all instances when planning for development, it should be considered if a future access should be provided to other lands for the purpose of streets, utilities, or other facilities.

402 - STREET AND HIGHWAY STANDARDS

All streets proposed to be constructed within the Township shall conform to the following general design requirements.

1. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites. Finished elevation of proposed streets shall not be more than one (1) foot below the regulatory flood elevation. The Township may require profiles and elevations to ensure compliance. Also, drainage structure openings shall be sufficient to discharge flood flows without duly increasing flood elevations or creating a backwater situation onto adjacent properties.
2. Proposed streets, including functional classification, shall be planned with regard to the existing street system, topographical conditions, public convenience in terms of fire protection and pedestrian traffic, probable volumes of traffic, existing and proposed use of land on abutting properties and future extensions of the street system.
3. When a subdivision abuts or contains an existing or proposed primary or secondary highway, the Township may require a marginal access street, reverse frontage, reduction of the number of intersections and/or separation of local from through traffic or other treatment which will provide protection for abutting properties.
4. No street shall terminate into a dead end. Any street dead ended for access to adjoining property or because of authorized staged construction shall be provided with a temporary paved turn-around and the use of such a turn-around shall be guaranteed to the public until

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such time as the street is continued.

5. Private streets. Any application involving a private street designed as the sole means of access to and from a subdivision or land development to and from the public right-of-way will need approval from the Township.
 - A. All subdivision plans containing private streets and approved by the Township under the provisions of this section shall include the following note and shall be subject to the provision specified therein: "Each deed for the transfer or conveyance of any lot shown on this plat shall contain the following restrictions and/or conditions, which conditions and/or restrictions shall be deemed to be covenants running with the land:
 - (1) the private street or streets shown on the plat depicting the subject lot shall remain a private street(s), and Highland Township shall have no duty or obligation, under any circumstances, to accept the dedication of the same as a public street of the Township;
 - (2) the purchasers or owners of lots, and their heirs, personal representatives, successors and assigns, shall be responsible for the maintenance, repair, replacement, reconstruction and snow removal of said private streets; and,
 - (3) So long as the private streets remain private, Highland Township shall have no duty, responsibility or liability, relative to the construction, maintenance, repair, replacement, reconstruction, or snow removal of said private streets."
 - B. There must be full compliance with all other applicable street construction and pavement requirements of the Highland Township Subdivision and Land Development Chapter, unless otherwise permitted by the Board of Supervisors after consideration of advice from the Township Engineer. The Township Engineer may recommend construction and/or surfacing of a private street that is not in full compliance with other applicable street requirements upon consideration of factors including, but not limited to: topography and slope; drainage; anticipated traffic volume; and, anticipated use of the properties accessed by the private street.
 - C. Subsection B. above notwithstanding, the following minimum specifications must be met:
 - (1) All private streets must have a minimum right-of-way width of 50 feet, and the center of the private street must be placed on the center of the fifty-foot right-of-way.
 - (2) The cartway of the private street must be at least 16 feet wide, and improved with a crushed stone base course that shall consist of eight inches (compacted) of PennDOT 2A stone. The base course shall be measured after it has been compacted with a roller of not less than 10 tons in weight.
 - (3) The crown of the private street shall have a fall of $\frac{1}{4}$ inch to the foot, measured from the center line to the cartway edge of the private street.
 - (4) When a private street enters or intersects with a State or Township street or road, the entrance of said private street shall be improved and paved, as per specifications for public street pavement contained herein, for a distance of 45 feet from the center line of said State or Township street or road.
 - (5) Dead-end private streets are prohibited, unless constructed as a cul-de-sac, with a turnaround having a minimum of a one-hundred (100) foot diameter right-of-way and eighty (80) foot paved diameter.

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- D. The installation of private streets that are proposed as part of a subdivision and/or land development plan must be financially assured in compliance with the Municipalities Planning Code. Inspection of the construction of private streets by the Township's Engineer or his delegate shall be performed at the applicant's or land owner's expense.
- E. Dedications. Whenever an applicant proposes to establish private streets in accordance with the provisions of this Subsection 402.5, (private streets), he shall be required to execute, acknowledge and deliver to the Township a private street agreement, to be prepared to the applicant's expense. Upon the approval, execution, attestation and acknowledgement of such private street agreement by the Highland Township Board of Supervisors, such agreement shall be recorded, at the applicant's expense, together with the subdivision or land development plan. Such private street agreement shall establish the conditions under which the private street may later be offered for dedication to the Township, and shall stipulate, among other things:
- (1) That the private street will be in a good state of repair and constructed and paved in conformity with all applicable Township street specifications and requirements as of the date that the Township officially considers acceptance of the private street;
 - (2) The agreement to offer the private street for dedication to the Township shall not be considered by the Township unless it is approved by the owners or purchasers of 60% of the lots in the subdivision or land development plat, and the Township is indemnified against any claims for compensation for the taking of private property interests (be it deemed a reverse taking, eminent domain, or some other theory);
 - (3) That the applicant acknowledges and agrees that the Township shall not be obligated or required, under any circumstances, to accept a dedication of the private street as a Township street; and
 - (4) That the terms and conditions of the private street agreement shall bind the applicant, and the applicant's heirs, personal representatives, successors and assigns, and shall constitute and be deemed to be a covenant running with the land.
- F. The proposed street system shall extend existing or recorded streets at the same width or at widths required by the Ordinance as determined by the Township, but in no case at less than the required minimum width.
- G. The Township shall reserve the right to require alternate design standards relative to cartway, horizontal and vertical curves, and intersections where it is determined to be necessary to eliminate a potential safety hazard. Alternate design standards shall be as recommended by the Township Engineer in accordance with Penn DOT and AASHTO Standards.
- H. Developments shall be limited to single access unless safety considerations dictate that multiple accesses should be utilized.
- I. Where a proposed subdivision or land development is providing access by a single street, the Township may require a boulevard style entrance which would consist of two (2) separate streets having a width of not less than ten feet (10') within a right-of-way of not less than seventy feet (70') in width.
- J. Applicants for a subdivision or land development abutting a state route shall be responsible for obtaining approval of any proposed improvements, and for obtaining a Pennsylvania Department of Transportation Highway Occupancy Permit.

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K. Prior to Final Plan approval, applicants shall certify that title to any street right-of-way is unencumbered by any liens or other obligations and that no prior right-of-way has been granted.

402-A - STREET WIDTHS

1. Minimum street right-of-way and cartway widths shall be as follows:

Road Classification	Required Right-of-way (ft.)	Total Cartway Width (ft.)	Designated Parking Lanes
Arterial/Collector (ADT>1000)	Criteria to be as determined by Township with minimum 60 foot required right-of-way, 40 foot cartway width and no parking lanes		
Neighborhood Collector (1000>ADT>500)	60'	28'	None
Minor Neighborhood Street (500>ADT>200)	50'	24'	None
	50'	30'	One Side
	50'	34'	Two Side
Minor Street (ADT<200)	50'	22'	None
	50'	28'	One Side
	50'	32'	Two Side
Alley	20'	12'	None

Note: 10 ADT = Approximately 1 Dwelling Unit
Refer to Exhibits 10-14 for Typical Roadway Details

2. Provision for additional street width or shoulder (right-of-way, cartway, or both) may be required when determined to be necessary by the Township to facilitate for aspects such as:
 - A. Public safety and convenience.
 - B. Traffic in commercial and industrial areas and in areas of high density.
 - C. Widening of existing street where the width or alignment does not meet the requirements of the preceding paragraphs.
 - D. Where topographic conditions require excessive cuts and fills.
 - E. When curbs will not be required.
 - F. To accommodate on-street parking.
 - G. Where a boulevard access is proposed or required.

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In the case where conditions warrant alternate design standards, the design may be required to consider the parameters as a function of design speed. Alternate design standards may be referenced from either AASHTO or Penn DOT.

3. In the case of a plan for a Subdivision or Land Development fronting on an existing public or private road of improper right-of-way and/or cartway width, the developer shall provide the following:
 - A. Any required dedication of land for increasing the existing right-of-way to meet the requirements of this Ordinance. The right-of-way must be centered from the centerline of the existing road.
 - B. Improvements of roadway to meet cartway, curb, sidewalk, gutters or other standards of this Ordinance. In lieu of making such improvements, the Township may at its discretion allow the developer to submit a fee to cover the cost of any improvements that are necessary to improve the existing roadway standards. The fee shall be based on an estimate prepared by the Township Engineer.

402-B - STREET GRADES

The grades of streets shall not be less than the minimum or more than the maximum requirements listed below:

TYPES OF STREETS	MINIMUM GRADE	MAXIMUM GRADE
Arterial streets	As determined by the Township after consultation with the Pennsylvania Department of Transportation.	
Collector streets	1.0%	7.0%
Minor streets & Alleys	1.0%	10.0%
4.0% (for 100' from Intersections)	1.0%	1.0%

1. In all differential grades exceeding 1%, vertical curves shall be used in changes of grade and shall be designated for proper sight distance.
2. On permission of the Township, minor street grade under special topographic conditions may exceed ten percent (10%) for distances less than one hundred (100) feet provided the grade does not in any case exceed fifteen percent (15%).
3. Standards for minimum and maximum grade refer to both positive and negative grades.
4. All streets shall be designed so as to provide for the discharge of surface water from the right-of-way. The slope of the crown on a street shall not be less than one-fourth (1/4) of an inch per foot and not more than three-eighths (3/8) of an inch per foot, as determined by the Township Engineer. Where a curve is banked to reduce lateral vehicular acceleration as required by the design speed of the road, the required crown is eliminated. Adequate facilities shall be provided at all low points along the street and other points necessary to intercept runoff.

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402-C - HORIZONTAL CURVES

1. Where connecting street lines deflect from each other at any point the line must be connected with a true circular curve. Horizontal curves must be justified by a traffic engineering analysis and shall be based on a correlating maximum proposed speed limit. The minimum radius of the centerline for the curve must be as follows:

TYPE OF STREET	MINIMUM RADIUS
Arterial	As determined following completion of traffic studies and consultation with PennDOT and the Traffic Engineer.
Collector street	300 feet
Minor street	150 feet

2. Straight portions of the street must be tangent to the beginning or end of the curve. Except for minor streets, there must be a tangent of at least one hundred (100) feet between reverse curves. For curves on arterial streets (or as otherwise determined by the Township Engineer), proper superelevation must be provided as required by the Township or the Pennsylvania Department of Transportation.
3. The Township may require that Sight Easements be provided in order to maintain adequate stopping sight distances.
4. The Township may require that the development be provided with speed limit signs in which speeds have been determined by the required engineering studies to be recommended for the horizontal curve design.

402-D - VERTICAL CURVES

1. Vertical curves are required where the algebraic difference exceeds one percent (1%) or as determined by the Township Engineer.
2. Proper sight distance shall be provided with respect to vertical road alignments. The minimum sight distance measured along the centerline from (3.5) feet to height of an object (0.5) feet above grade shall be as follows:

TYPE OF STREET	SIGHT DISTANCE
Arterial	As required by PennDOT design criteria for the posted speed.
Collector	400 feet
Minor	250 feet
Alley	100 feet

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402-E - CUL-DE-SAC STREETS

1. Cul-de-sac streets designed to be so permanently, shall not exceed five hundred (500) feet in length measured from the centerline of the intersecting street to the center point of said cul-de-sac and shall not furnish access to more than ten (10) dwelling units. If a cul-de-sac street intersects another cul-de-sac street, the maximum total length of the sum of the streets shall not exceed one thousand (1,000) feet and shall not furnish access to more than fifteen (15) dwelling units.
2. Cul-de-sacs shall have a paved turnaround having a minimum diameter of eighty (80) feet and a legal right-of-way of one hundred (100) feet in diameter. Dimension and/or layout is subject to change where, in the opinion of the Township, a revised dimension and/or layout is necessary for reasons of safety, maintenance, accessibility, construction, etc. Alternate cul-de-sac dimensions may be allowed provided it is based upon a recognized standard and has been reviewed and recommended by the Township Engineer and Road Superintendent.
3. Temporary cul-de-sacs shall be designed to standards of permanent cul-de-sacs.
4. Where required, a designated area shall be shown for disposal of snow. Such area shall be provided with an easement acceptable to the Township.
5. Only one (1) driveway per lot is permitted to enter a Cul-de-Sac Street. Also; joint driveways and private roads are not permitted to enter a Cul-de-Sac Street.

402-F - INTERSECTIONS

1. No intersection shall involve the junction of more than two (2) streets.
2. Right-angle intersections shall be used wherever possible. In no instance, however, shall streets intersect at an angle of less than seventy-five (75) degrees or more than one hundred five (105) degrees. Intersections of two arterial streets shall be subject to Pennsylvania Department of Transportation standards.
3. Intersections shall be improved on all sides by leveling areas. Such leveling areas shall have the minimum length of one hundred (100) feet (measured from the intersection of the centerlines) within which no grade shall exceed a maximum of four percent (4%). Where a through street exists or is proposed, the four percent (4%) leveling area may be waived pending review of the Township Engineer.
4. All streets intersecting a state road (US, PA, or SR) shall be subject to the approval of the Pennsylvania Department of Transportation.
5. Design of the curb or edge of pavements must be taken into account. Such factors as types of turning vehicles, likely speeds of traffic, angle of turn, etc., but in no instance shall the radius of the curb or edge of pavement be less than the following:

INTERSECTION	CURVE RADIUS
Minor with minor street	25 feet
Minor with collector street	30 feet

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Collector with collector street	35 feet
Any Street with arterial street	35 feet or as determined after consultation with Penn DOT.

6. Minimum distances between intersections shall be as follows

TYPE OF INTERSECTION				
Arterial/ Arterial Minor	Arterial/ Collector/ Collector	Collector/ Collector	Collector/ Minor	Minor/ Minor
800'	800'	600'	500'	500'
Min. Dist.	Min. Separation	Must be in	200'	200'
Between Centerlines of Intersections	of Centerlines for Streets not in Alignment	alignment with planned or proposed streets entering from opposite side.		

7. Clear sight triangles shall be provided at all intersections. Measured along the centerline of the street there shall be a clear sight triangle with side lengths as follows:

TYPE OF STREET	MINIMUM CLEAR SITE TRIANGLE SIDE
Arterial	150'
Collector	100'
Minor	100'

No building or construction other than utility poles, street lights, street signs, or traffic signs, shall be permitted within such triangles. Whenever a portion of such line occurs behind the building setback line, such portion shall be shown on the plan and shall be considered a building setback line.

8. Where determined to be necessary due to speed considerations, a clear sight triangle side may increase. Increased values shall be in accordance with Penn DOT or AASHTO Standards.
9. Safe sight distances shall be provided at all intersections. Standards for design shall comply with AASHTO and the Pennsylvania Department of Transportation whichever shall be most applicable as determined by the Township Engineer.

402-G - SLOPE OF BANK ALONG STREETS

The slope of banks along streets measured perpendicular to the street shall be no steeper than the following:

1. One foot of vertical measurement for three feet of horizontal measurement for fills.

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2. One foot of vertical measurement for two feet of horizontal measurement for cuts.

402-H - PARTIAL AND HALF-STREETS

The dedication of half streets at the perimeter of new developments is prohibited, except to complete existing half-streets.

402-I - NAMES OF STREETS

Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes such as "lane, "court", or "avenue". In approving the names, particular consideration shall be given to existing or platted street names within the postal delivery district served by the local post office and within area communities. New streets shall bear the same name or number of any continuation or alignment with an existing street. All street names shall be subject to Township approval.

402-J - RESERVE STRIPS

Controlling access to streets by reserve strips is prohibited except where their control is definitely placed in the Township under control approved by the Township. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

402-K - ALLEYS

1. Alleys are permitted in single family, detached or semi-detached residential development to provide access to the rear of lots that have frontage on public minor, collector or arterial streets. Alleys shall be permitted provided that they are not proposed to be dedicated to the Township and that the developer must make adequate provision for the perpetual maintenance of the alley. The applicant shall in addition, provide for an easement enabling the Township to perform emergency maintenance in the event that the property owner should fail to do so and shall establish a procedure whereby the Township shall be able to assess the cost of such emergency maintenance upon the land owner.
2. While the use of dead end alleys is generally discouraged, where alleys do dead end, they shall be built with a Township approved turn-around conforming to the standard Township Cul-De-Sac design.
3. Intersections involving alleys shall be built with a minimum radius of ten (10) feet.

402-L – Alternate Design Criteria for Low-Volume Roads

1. Subject to the recommendation of the Township Engineer, the following alternate criteria may be permitted for minor/local streets located within proposed subdivisions and land developments in which the streets are not proposed to be dedicated to the Township. These streets shall generally have an estimated ADT (average daily traffic) volume of 1500 vehicles per day or less. The proposed ADT shall be determined by a traffic impact study or site access study. Alternate standards must be supported by AASHTO or other recognized standard. The following standards shall apply:
 - a. For greater speeds a specific design and traffic study shall be submitted for review

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and recommendation by the Township Engineer.

DESIGN SPEED (MPH)

	15'	20'	25'	30'
Minimum Cartway width				
No parking	20'	20'	20'	20'
Parking 1-2 sides	28'	28'	28'	28'
Parking 2-sides	34'	34'	34'	34'
Minimum Centerline Radius				
Safe Stopping Sight Distance	80'	115'	155'	200'
Minimum Rate of Vertical Curvature				
Sag	10'	17'	26'	37'
Crest	3'	7'	12'	19'

2. Cul-de-sacs without center islands shall have a turnaround diameter of sixty (60) feet while cul-de-sacs with center islands shall have a minimum diameter of ninety (90) feet and minimum travel lanes of twenty (20) feet. Rights-of-way shall extend a minimum of ten (10) feet from the edge of pavement.
3. Design criteria not specifically addressed in this section shall be in accordance with the general road design standards set forth in this Ordinance.
4. Provisions for additional street width (right-of-way, cartway, shoulders etc.) may be required when determined to be necessary by the Township in specific cases for:
 - a. Public safety and convenience
 - b. Traffic in commercial and industrial areas and in a high-density residential development.
 - c. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.
 - d. Where topographic conditions require excessive cuts and fills.
 - e. When curbs are required.

403 - OFF STREET PARKING

Off street vehicular parking facilities shall be provided in accordance with the Highland Township Zoning Ordinance.

1. For uses which are not addressed in the Zoning Ordinance, the required number of parking spaces shall be based on a study as prepared by the developer and approved by the Township

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Engineer. The study shall address the following:

- A. The type of use and estimated number of trips generated during peak conditions (inbound and outbound).
- B. Estimated parking duration per vehicle (turnover rate).
- C. Based on estimated number of trips generated and average parking duration per trip, calculate the number of spaces required. In addition one space shall be provided for every two employees working during the maximum shift.

404 - ACCESS DRIVES

404-A - RESIDENTIAL

Access to any public street or highway from a residential lot or residential area shall be governed by the following:

1. Within ten (10) feet of a street right-of-way line, an access drive may not exceed thirty five (35) feet in width nor be less than twenty feet (20) in width.
2. The number of access drives on a street frontage, may not exceed one (1) per lot unless circumstances prove that a second access is justified. Additional access points must be approved by the Township.
3. An access drive may not cross a street right-of-way line:
 - A. Within fifty (50) feet of the right-of-way line of an intersecting street when entrance is from an arterial street.
 - B. Within thirty-five (35) feet of the right-of-way line of an intersecting street when entrance is from a collector street.
 - C. Within twenty-five (25) feet of the right-of-way line of an intersecting street when entrance is from a minor street.
 - D. Within fifteen (15) feet of a fire hydrant.
4. The drive may not exceed a slope of seven percent (7%) within twenty-five (25) feet of the street right-of-way lines.

Where a drive enters a bank through a cut, the shoulders of the cut may not exceed fifty percent (50%) in slope within twenty-five (25) feet of the point at which the drive intersects the street right-of-way. The height of the bank must not exceed three feet within ten (10) feet of the street right-of-way.
5. All driveways shall have a minimum safe sight distance in accordance with the Pennsylvania Department of Transportation Rules and Regulations. Furthermore, all driveways which access Township roads shall be required to obtain a driveway permit from Highland Township. Plans shall indicate the following information:
 - A. Minimum (limiting) site distances along each proposed lot, where applicable.
 - B. The location of proposed driveways.
 - C. Field run grades along the Township road in both directions from each lot.
 - D. Speed limit of existing road in each direction.
 - E. Location of trees and other visual obstructions which affect sight distances.

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6. Width, turning radius, and slope requirements shall conform to chapter 441 of the Pennsylvania Department of Transportation rules and regulations.
7. The angle between the centerline of the driveway and the street shall be as close to ninety (90) degrees as possible. In no circumstances shall the angle be less than eighty (80) degrees.
8. A clear sight triangle of seventy five (75) feet measured along the street and driveway centerline shall be maintained. Permanent obstructions other than mail boxes and utility poles shall be prohibited.
 - a. No obstruction to vision. No trees, shrubs, landscaping or shall be permitted within any required clear sight triangle.
 1. At all intersections of streets, private roads and /or access drives, proper sight lines must be maintained as defined in accordance with the Street Design and Intersection Sight Distance Sections of this Ordinance.
 2. No existing walk, fence, sign, or other structure shall be altered, erected or constructed and no hedge, trees, shrubs, or other growth shall be maintained or permitted which may cause danger to traffic on a public road by obscuring the view within the Clear Sight Triangle.
 3. No building, structure, grade or planting higher than two (2) feet above the centerline of the street shall be permitted within such clear sight triangle or in any area between the cartway and the right-of-way. Where no such right-of-way is defined, there shall be no such plantings over two (2) feet tall in height, at maturity, for a distance of twenty-five (25) feet from the centerline for local streets and thirty (30) feet from the centerline for collector streets.
9. All accesses shall be provided with a drainage culvert or gutter/swale. The minimum size of the pipe, unless otherwise approved, shall be fifteen (15) inches in diameter or equivalent open area arch/elliptical pipe and constructed of polyethylene (dual wall, smooth lined) or concrete. The stormwater management plan for a proposed development (where required by the Township) shall include calculations for sizing of access driveway culverts. Drainage structures within the Pennsylvania Department of Transportation (PA DOT) right-of-way (where applicable) shall be subject to the review and approval of the PA DOT.
10. To prevent drainage and erosion problems and to minimize future maintenance, access driveways shall be surfaced with a stabilized material within the public street right-of-way. Where access is to a paved roadway, driveways shall be surfaced with Bituminous or Concrete material within the legal right-of-way.
11. In the event that an access drive will serve more than one residence, more stringent standards may be applied pending review and recommendation of the Township Engineer.
12. Driveways shall be constructed so that motorists are not required to back on to the roadway.
13. Joint-Use Residential Driveways
 - A. The use of joint-use driveways will not be allowed when its use is to circumvent the specifications required for street frontage.
 - B. A joint-use driveway may serve up to three (3) lots containing single-family dwellings.

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- C. All joint use driveways shall have a minimum cartway width of sixteen (16) feet and an accompanying right-of-way width of fifty (50) feet.
- D. Joint-use driveways shall be designed in accordance with this ordinance with the exception of criteria "A and B" above.
- E. Cross access and maintenance easements shall be required to ensure common use of, access to, and maintenance of, joint-use driveways; such easements shall be recorded in language acceptable to the Township Solicitor, and depicted on the subdivision plan.

404-B - COMMERCIAL AND INDUSTRIAL

Access drives to any public street or highway in the case of a commercial or industrial development shall at a minimum conform to the standards for residential access drives, with the exception that all commercial or industrial drives shall be paved (at full width) with a bituminous material meeting the design criteria of a minor street (Section V). Additional standards shall be as follows:

- 1. All access ways to any public street or highway shall be located at least two hundred (200) feet from the intersection of any two street right-of-way lines, and shall be designed in a manner conducive to safe ingress and egress. Where feasible, exits shall be located on minor, rather than major streets or highways.
- 2. No design shall be approved which is likely to create a traffic hazard which has the potential to endanger public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration or deceleration lanes; turning lanes, traffic and lane markings, and signs. The developer shall be responsible for the construction of any such traffic control devices which shall meet Penn DOT approval.
- 3. All design standards of the Pennsylvania Department of Transportation as may be amended, are hereby incorporated into this Ordinance
- 4. No obstruction to vision. No trees, shrubs, landscaping or shall be permitted within any required clear sight triangle.
 - a. At all intersections of streets, private roads and /or access drives, proper sight lines must be maintained as defined in accordance with the Street Design and Intersection Sight Distance Sections of this Ordinance.
 - b. No existing walk, fence, sign, or other structure shall be altered, erected or constructed and no hedge, trees, shrubs, or other growth shall be maintained or permitted which may cause danger to traffic on a public road by obscuring the view within the Clear Sight Triangle.
 - c. No building, structure, grade or planting higher than two (2) feet above the centerline of the street shall be permitted within such clear sight triangle or in any area between the cartway and the right-of-way. Where no such right-of-way is defined, there shall be no such plantings over two (2) feet tall in height, at maturity, for a distance of twenty-five (25) feet from the centerline for local streets and thirty (30) feet from the centerline for collector streets.

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405 - BLOCKS

The length, width, and shape of blocks shall be determined with due regard for:

1. The provision of adequate sites for buildings of the type proposed.
2. Topography
3. Any other codes, plans and ordinances.
4. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.
5. The bounded area shall consist of a minimum of two dwelling/building units or lots.

405-A - BLOCK LENGTH

1. Blocks shall have a maximum length of one thousand six hundred (1,600) feet and a minimum length of five-hundred (500) feet, provided that the Township Supervisors may increase the maximum and/or decrease the minimum length of blocks if in their opinion, access to public sewer, public water, topography of the land in question and/or surface water drainage conditions warrant such a change.
2. In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
3. Where practical, blocks along major and collector streets shall not be less than one thousand (1,000) feet long.

405-B - PEDESTRIAN CROSSWALKS

1. Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities.
2. Such crosswalks shall have a width of not less than six (6) feet and a paved walk of not less than four (4) feet. At a minimum all crossings shall be constructed to comply with the Americans with Disabilities Act of 1990 (or as most recently amended).
3. Crosswalks in mid blocks shall be provided with warning devices. The Township may also require that the developer provide the necessary engineering studies to justify the placement of crosswalks.
4. Where necessary to facilitate pedestrian circulation, rights-of-way with a minimum width of twelve (12) feet shall be provided.

405-C - BLOCK DEPTH

Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except:

1. Where reverse frontage lots are required along a major street.
2. Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Township may approve a single tier of lots.

405-D - COMMERCIAL AND INDUSTRIAL BLOCKS

Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases however adequate provision shall be made for off street parking and loading areas as well as for traffic circulation and parking for employees and

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customers.

406 - LOTS

1. The size, shape and orientation of lots shall be appropriate for the type of development contemplated.
2. Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdiction problems.
3. Where the lots in a subdivision are large enough for re-subdivision or where a portion of the tract is not developed, adequate access to these areas shall be provided.
4. Depth and width of parcels intended for non-residential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
5. Upon subdividing, no remnants of land shall exist unless the Township agrees to accept it as a dedication for public use.
6. No lots shall be created in any manner whatsoever which do not meet the minimum requirements of this or other Township Ordinance.
7. Where dictated by topography, location, sewage disposal requirements, or other such conditions, the Township may require that the minimum lot size be increased. In such case, lot sizes within a subdivision may vary, provided Township approval is secured.
8. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall.
9. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

406-A - LOT FRONTAGE

1. All lots shall front upon a dedicated public street (existing or proposed), or upon a private street constructed to the Township's Specifications and Ordinances.
2. Double or reverse frontage lots are prohibited except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography, orientation or location.
3. All residential reverse frontage lots shall have a planting screen easement parallel to the accepted rear lot line and twenty (20) feet in width across which there shall be no right of access.

406-B - LOT SOILS EVALUATION TESTS

1. Soil probe and percolation tests shall be performed for each lot of a proposed subdivision wherein buildings at the time of construction will not be connected to an existing public sewage disposal system. Each lot must be found satisfactory for on-site sewage disposal, per DEP standards, including an acceptable reserve or back-up area prior to the approval of the Preliminary Plan.
2. The soils tests called for above shall be performed in accordance with the regulations of the Pennsylvania Department of Environmental Protection. The Township Sewage Enforcement

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Officer will perform the tests and certify the results.

3. A planning module or planning exemption for land development for any new subdivision or land development shall be prepared by the developer and submitted to the Township prior to the approval of the Preliminary Plan.

406-C - LOT SIZES, BUILDING SETBACKS AND STANDARDS

Lot dimensions, sizes, and building setback requirements shall not be less than specified by the applicable Zoning Ordinance or as dictated by the Township Subdivision and Land Development Ordinance as it relates to on-site sewage disposal or additional standards, whichever shall be more restrictive.

1. For condominium units the developer shall submit the following for review and approval by the Township
 - A. A Declaration Plan in accordance with Act 117 of 1963, the Unit Property Act. All condominiums shall be subject to the provisions of the Unit Property Act. The Declaration and Declaration Plan must be recorded along with the Final Plan in the County Records Office.
 - B. An agreement which outlines the responsibilities of the property owner or developer. The agreement shall address the items (as applicable) and be similar to the agreement as indicated in this Ordinance.
 - C. A copy of the Homeowner's Association Agreement must be provided for review by the Township.
 - D. Condominium developments shall meet design requirements of this Ordinance.
2. For industrial developments no design shall be approved which does not conform to appropriate Federal, State, Regional, and local standards relative to water and air pollution, particle emission, noise, electrical disturbances, waste disposal, light, glare, heat, vibration, radioactivity, and outdoor storage of materials:
 - A. Fire and explosive hazards as governed by the Department of Labor and Industry and the laws of the Commonwealth of Pennsylvania.
 - B. Liquid and solid wastes as governed by the Pennsylvania Department of Environmental Protection.
 - C. Smoke and other forms or air pollution as governed by the Department of Environmental Protection and the Bureau of Air Quality.
 - D. All applicable environmental permits must be obtained and copies submitted to the Township prior to Preliminary Plan Approval.
3. Water and sewer facilities shall be public systems or approved private systems. No individual on-site systems shall be approved for attached row, townhouse or condominium units.
4. For attached row, or townhouse units a permanent easement shall be provided where the rear property line abuts any property other than a street for the purpose of non-vehicular ingress and egress by center property owners. Minimum width of said easement shall be five (5) feet. Vehicular access shall be included in such easement for maintenance purposes in which case access width shall accommodate a vehicle. In cases where vehicular access will be

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required a minimum of ten (10) feet in width shall be required.

5. Corner residential lots shall have enough extra width to permit appropriate front setback requirements from both streets.

406-D - UNIQUE LOTS

1. PANHANDLE LOTS: Panhandle lots, with a twenty five (25) foot wide panhandle may be utilized as means of access only when the topography of the land to be developed shall safely accommodate the proposed number of access areas. Panhandle lots shall meet the applicable lot width requirements specified in the Township Zoning Ordinance at the front yard building setback line. Approval of panhandle lots shall only be at the discretion of the Township where other options have been evaluated and have been determined to be unacceptable. The Township shall have the right to limit the number of panhandle lots in a particular subdivision, especially where safety and planning considerations justify the need.
2. In the interest of traffic safety, the Township may require adjacent panhandle lots to share one access road and a formal written covenant to run with the land detailing rights and responsibilities of the individual lot owners must be established.
3. Panhandle lots shall not be used as a means to create several adjoining lots where existing road frontage is limited.

407 - EASEMENTS

1. Easements shall be provided for drainage facilities, overhead or underground public and private utility facilities in consultation with the Township Engineer, the electric, telephone, sewer and water Utilities, the Pennsylvania Department of Transportation and the applicable Municipal Authority. No structures or trees shall be placed within such easements.
 - A. The minimum width of such easements shall be twenty (20) feet for drainage facilities and underground utilities and ten (10) feet for overhead utilities. Larger widths may be required as recommended by the Township Engineer.
 - B. Wherever possible such easements shall be centered on the side or rear lot lines, or along the front lot lines.
2. Where a subdivision or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement, width to be as determined by the Township Engineer, conforming substantially to the line of such watercourse, drainage way, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities or for the purpose of installing a storm sewer. Under no circumstances shall the easement be less than twenty-five (25) feet. Access easements shall also be required.
 - A. Also, where a land development or subdivision is traversed by a watercourse, stream, channel or other drainage way, the developer shall provide a drainage easement conforming substantially to the existing alignment of the drainage way. The easement shall be a width adequate to:

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1. Preserve the unimpeded flow or natural drainage.
 2. Widen, deepen, relocate, improve or protect the drainage way.
 3. Install a stormwater sewer.
 4. Accommodate a one hundred (100) year design storm.
- B. Any changes in an existing watercourse, stream, channel or other drainage way shall be approved and a permit issued by the PA DEP, Dams and Encroachment Division or its successor agency. Notification of permitted changes shall be forwarded by the Township to all affected adjacent communities, the Pennsylvania Department of Community Affairs or its successor agency and the Federal Insurance Administration.
- C. Under no circumstances shall any watercourse be altered such that the carrying capacity of the stream is reduced.
3. Electric, telephone and all other utility facilities shall be installed underground unless conditions require otherwise. The developer shall be required, prior to Final Plan approval, to obtain a letter from the appropriate utility company confirming that the developer has entered into an agreement to provide for an underground electric and telephone system in accordance with the Pennsylvania Public Utility Commission Investigation Docket #99, as amended, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric and telephone facilities.
 4. Drainage easements shall be required between all lots within a subdivision. They shall be centered on property lines wherever possible. Such easements shall preserve the unimpeded flow of natural drainage or provide for the construction of drainage facilities. In no case shall they be less than twenty (20) feet in width.
 5. Petroleum, Gas and Electric Transmission Lines - Where any petroleum, petroleum products, natural gas or electric transmission line traverses a land development, the developer shall confer with the applicable transmission or Distribution Company to determine the minimum distance which shall be required between each structure and the centerline of such transmission line. Transmission lines rights-of-way shall not be permitted to be included within residential lots. Furthermore, all land grading and development activities proposed near such facilities shall be minimized to the greatest extent possible. Additionally, the Township will require, with the subdivision or land development plan application, a letter, or a copy of the recorded right-of-way from the owner of the transmission line stating any conditions on the use of the tract and the right-of-way width, or a copy of the recorded agreement which shall contain the above data.
 6. Flood proofing of all Utilities - All new or replacement public and/or private utilities and facilities in flood prone areas shall be elevated or flood proofed up to the Regulatory Flood Elevation.
 7. No company intending to install any petroleum products or natural gas transmission line shall be allowed to construct the line centered on a less than a fifty (50) foot right-of-way, such line to be installed in the center of the right-of-way for all existing transmission lines within the development.
 8. Where necessary to access to public or common lands, a pedestrian easement shall be provided with a width of no less than ten (10) feet. Additional width may be required by the

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Township depending on the purpose and the use of the easement.

9. In the case of sanitary sewer and water lines, the required right-of-way or easement should be as required by the applicable authority.

408 - LAND GRADING REQUIREMENTS

1. General - No land or parcel of land within the Township shall be graded or filled by any landowner, developer or subdivider unless and until there has been compliance under the provisions of this Ordinance. (In the case of a subdivision and land development, the grading plan shall be submitted, reviewed, and approved as part of the Preliminary Plan process). The Land Grading Plan shall be subject to the review and approval of the Township Engineer in accordance with his or her recommendations and applicable local, state, and federal guidelines.
2. Applicability - The provisions of this Section shall apply if the existing condition of any land is proposed to be changed by any one (1) of the following:
 - A. A subdivision or land development in which improvements such as drainage, stormwater management, streets, buildings, etc., are proposed.
 - B. To be graded or filled to alter the existing contours more than an average of two (2) feet in elevation over any area in excess of five thousand (5,000) square feet.
 - C. To be filled to a depth of five (5) feet or more over any area in excess of one thousand (1,000) square feet.
 - D. To be graded or filled within an existing watercourse (whether an intermittent or flowing stream, or any normally dry swale which carries any amount of water during rainfall).
 - E. In any event the Township shall reserve the right to require that a Land Grading Plan be prepared and submitted when it is determined by the Township Engineer that the nature of the land disturbance, based on soils, slopes, proximity to sensitive areas, or etc. justifies the need.
3. Approval of Land Grading Plan - The Land Grading Plan and all information and procedures relative thereto, shall in all respects be in compliance with the provisions of this Section
4. Drawing Requirements for Land Grading Plan - The following data shall be shown on the Land Grading Plan:
 - A. The Plan shall be prepared and certification made as to its accuracy by a registered surveyor or registered professional engineer.
 - B. Property Boundary consistent with the requirements for a preliminary plan under this ordinance.
 - C. Location and description of bench mark to which contour elevations refer.
 - D. Existing and proposed topographic contours of the area to be graded or filled at contour intervals of no more than one (1) foot and depicted by a broken line unless the Planning Commission determines that a different contour interval is required. The proposed finished-grade contours shall be shown at contour intervals of one (1) foot and depicted by solid line.
 - E. All existing watercourses within five hundred (500) feet of the area to be graded or filled,

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whether on land owned by the applicant or by others, shall be shown on the Plan.

- F. Total acreage of tract.
 - G. Location and identification of all existing and proposed public and private easements. All structures shall include first floor elevations.
 - H. Location of all existing and proposed structure, roads, utilities, parking areas, and development appurtenance.
 - I. Existing and proposed street names.
 - J. All proposed temporary and permanent erosion and sediment control and stormwater management facilities.
 - K. A limit of disturbance line.
 - L. Construction staging narrative.
 - M. Detail drawings and specifications for all temporary and permanent erosion and sediment control and stormwater management facilities.
 - N. All supporting calculations, documentation, and manufacturer's literature.
 - O. Storm drainage calculations as may be required by the Township Engineer.
5. Additional Drawing Requirement for Land Grading Plan - In addition to the Drawing Requirements previously stated, the following data shall be shown on the Land Grading Plan:
- A. The plan shall be drawn to scale of not less than one inch equals fifty feet (1" = 50'), shall indicate the magnetic north point, and owner's name and address.
 - B. Abutting property lines and the names of abutting landowners.
 - C. In cases of heavily wooded areas, the outline of the wooded areas and the location of trees which are to remain, shall be shown.
 - D. In areas which are anticipated to experience seasonal high water table conditions, grading and drainage provisions should be provided for anticipated basement sump pump discharges.
 - E. A location map at a scale not smaller than one inch equals two thousand feet (1" = 2000') shall be drawn showing:
 - (1) Relation of tract to adjoining property.
 - (2) Municipal boundary lines, if present.
 - (3) Related road and highway system within one thousand (1,000) feet of tract.
 - F. Statement that the applicant is the owner, equitable or authorized by the owner in writing to make application for the proposed land grading.
6. Construction Requirements
- A. Fill - Fill shall not contain boulders or fractured rock or broken concrete over one (1) foot in largest dimension, or any organic material, trash, garbage, or broken asphalt paving. Fills of more than five (5) feet deep shall be compacted while being placed by a method approved by the Township Engineer.
 - B. Slopes - All constructed slopes shall not exceed the following:
 - (1) Cut slopes in earth - 2 horizontal, 1 vertical feet

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- (2) Cut slopes in rocks - 1 horizontal, 1 vertical foot
- (3) Fill slopes - 3 horizontal, 1 vertical foot

Slope limitations and allowances are subject to change pending review of the Township Engineer. The Township reserves the right to make limitations more stringent where public safety or protection of waterways, streets, and slopes are involved.

- C. Drainage - All drainage construction shall meet the requirements of Article V of this Ordinance.

7. Other Requirements

- A. During grading operations, necessary measures for dust control must be exercised.
- B. Grading equipment shall not be allowed to cross streams. Provisions shall be made for the installation of temporary or permanent culverts or bridges.
- C. No work will be allowed to commence until all applicable permits and approvals have been obtained. Where deemed necessary by the Township or State/Federal Law, the Adams County Conservation District must approve the grading plan.
- D. Steep slope areas shall be preserved in their natural state whenever possible. Where construction of roads, buildings, driveways or infrastructure cannot be avoided, - disturbance shall be kept to the minimum area necessary and, in no case, shall it exceed the following permitted disturbance limits:

- (1) Moderately Steep Slopes (slopes of 15% to 25%) - No more than forty (40) percent of moderately steep slopes shall be regraded, cleared or otherwise altered or disturbed.

- (2) Very Steep Slopes (slopes greater than 25%) - No more than fifteen (15) percent of very steep slopes shall be regraded, cleared, or otherwise altered or disturbed. In addition, the disturbance permitted on very steep slopes shall be limited to the following activities:

- a. Timber harvesting, when conducted in compliance with a Conservation District approved timber harvesting plan. Clearcutting or grubbing of trees is prohibited on very steep slopes.
- b. Grading for the minimum portion of a road or driveway necessary for access to the principal use and sewer, water and other utility lines when it can be demonstrated that no other routing is feasible.

- E. A pre-construction walkthrough is required prior to clearing and grubbing operations to physically delineate the limits of disturbance for areas near trees, tree groves, slopes, streams, floodplains, wetlands, etc.

409 - SEWAGE DISPOSAL SYSTEMS

Design of all sewage disposal systems shall be subject to review and approval of the Township as follows:

- 1. In the case of on-site sewage disposal systems, testing, design, permitting, and installation

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shall be in accordance with applicable Township Ordinances and Rules and Regulations of the Pennsylvania Department of Environmental Protection. Review and approval shall be by the Township Sewage Enforcement Officer.

2. In the case of central sanitary sewer systems and wastewater treatment facilities which are to be privately owned, the design plans and specifications shall be subject to review of the Township and/or appropriate Municipal Authority, as part of the Subdivision or Land Development Plan process. Design criteria shall be that of PADEP and as supplemented by the Township and/or Authority. Review and approval of the sanitary sewer system plans by the Township is required for Final Plan approval. Review and approval of the wastewater treatment facility plans by the Township is required for Final Plan approval. Following approval of the Township, the developer is required to obtain approval from the Pennsylvania Department of Environmental Protection. Signature of the Final Plan approval will not be granted until the developer submits copies of all applicable permits.
3. In the case of sanitary sewer systems and wastewater treatment facilities which are to be dedicated to the public, review and approval of design plans and specifications shall be by the applicable Municipal Agency or the Township in accordance with their Rules and Regulations. Review and approval of plans and specifications by the Township and/or applicable Municipal Authority shall be part of the Subdivision or Land Development Plan process. Review and approval of the sanitary sewer system by the Township is required for Final Plan approval. Review and approval of the wastewater treatment facility by the Township is required for Final Plan approval. Signature of the Final Plan approval will not be granted until the developer submits copies of all applicable permits from PA DEP and other applicable government agencies.
4. The Township will require a complete feasibility study at either Preliminary or Final Plan stage, based on recommendations from the Township Engineer, in which case the following additional requirements shall apply:
 - A. Where there is an existing public sanitary sewer main within one thousand (1,000) feet, measured in straight-line distance from the terminus of the system to the nearest tract line of the development, and adequate treatment capacity is available and the owner/operator of the existing system is amenable to servicing the development, a complete sanitary collection system shall be installed and connected by the developer to the existing public sanitary sewer system. Prior to obtaining final subdivision and land development approval, approval to connect or hook onto the system must be obtained. Said approval shall be noted on the plan. If adequate treatment capacity is not presently available, the Township may require an agreement where the property would be required to connect at such time as capacity is available.
 - B. For any plan proposing a privately owned community sewage system, the developer shall submit with the sewage facilities planning module a proposed agreement for review and approval by the Township Engineer and Township Solicitor which contains, at a minimum, the following:
 1. The obligation of the Developer to install the system according to the design as approved by the Township;

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2. The obligation of the developer to provide, prior to final plan approval, financial security, in form approved by the Township Solicitor, and in the amount approved by the Township Engineer, to secure 110% of the estimated installation costs, which amount shall be subject to increase or decrease in accordance with Section 509 of the Pennsylvania Municipalities Planning Code;
3. A schedule of inspections of the installation to be performed by the Township Engineer, at intervals approved by him, with the agreement of the developer to bear the entire costs of such inspections;
4. The submission of as-built drawings at the time of completion of the system;
5. A covenant that upon a public sanitary sewer system becoming available (available being defined to be an operating system, the terminus of which is 1,000 feet, or less, measured in straight-line distance to the nearest tract line of the development and which has capacity to service the total development, in all phases) the private system shall be connected to such public system; and
6. The provision of financial security, in form approved by the Township Solicitor, and in the amount approved by the Township Engineer, to secure the operation, maintenance and replacement of the system, all in accordance with the requirements of the Township and the provisions of Chapter 71 of Title 27 of the Regulations of the Pennsylvania Department of Environmental Protection.
 - a. Where the site of the proposed development is more than one thousand feet from the nearest available public sewer system, the developer may provide the proposed development with a complete public sanitary sewer system if adequate treatment capacity is available and all connection costs are assumed by the developer. If this is not feasible or desirable, the adequate provision of on-site subsurface or alternate sewage disposal systems approved by the Pennsylvania Department of Environmental Protection shall be investigated.
 - b. Where installation of a public sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other sewage disposal system approved by the Pennsylvania Department of Environmental Protection and the Township Sewage Enforcement Officer.

410 - WATER SUPPLY SYSTEMS

Highland Township is underlain primarily by two geologic bedrock units—the Gettysburg Formation and Diabase, both of which have an unusually low groundwater recharge rate and low storage capacity. Additionally, Highland Township is within the Potomac River Basin. Water withdrawals within the Potomac River Basin are regulated by the Potomac River Basin (ICPRB) and may also require permitting from the Department of Environmental Protection (DEP). Design of all water supply systems shall be subject to review and approval of the Township as

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follows:

1. Projects under the jurisdiction of the ICPRB and/or DEP will be reviewed by the Township as part of the Preliminary Plan process. Copies of all submissions to the ICPRB and/or DEP, and all correspondence received from those agencies, shall be sent to the Township. Signature of the Final Plan approval will not be granted until all permits are obtained.
2. In the case of central Private or Public Water Systems, which will be privately owned, review and approval of plans and specifications shall be by the Township and where deemed necessary, the applicable Municipal Authority, DEP and the Township or Authority Rules and Regulations. Review and approval shall be part of the Preliminary Plan process. Following approval by the Township, the developer is required to obtain approval from DEP, in accordance with its regulations, and possibly ICPRB (i.e., if the proposed withdrawal rate is 100,000 gallons per day (gpd) or greater). Preliminary Plan approval will not be granted until the Township and/or Authority has reviewed the plans. Final Plans will not be signed until all required permits are obtained.
3. In the case of Public Water Systems, which will be dedicated to the public, review and approval of design plans and specifications shall be by the applicable municipal agency, or Authority in accordance with their Rules and Regulations. Review and approval of plans and specifications shall be part of the Preliminary Plan process. Final Plan approval will not be granted until the Applicant submits copies of all applicable approvals from the Township or Authority. Signature of the Final Plan approval will not be given until all permits are obtained from DEP and other applicable government agencies (i.e., ICPRB), as necessary.
4. Where water supply is to be provided by means other than by private wells owned and maintained by the individual lot owners within the proposed subdivision or development, applicants shall present evidence to the Board of Supervisors and the Planning Commission, as the case may be, that the subdivision or development is to be supplied by a certified public utility, a bonafide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a certificate of Public Conveyance from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence, for conditional approval.
5. A Water Resources Impact Study may be required when the proposed development is not under the jurisdiction of the DEP or ICPRB or will not be served by public water supplied by a Municipal Authority approved by the Township; and one or more of the following conditions are met:
 - A. Individual, private on-site wells and distribution systems, in which lots will rely on groundwater as the primary source of drinking water are proposed for use in residential subdivisions containing three (3) lots or more and the smallest created lot is less than five (5) acres in area.
 - B. A non-residential subdivision containing three (3) lots or more.
 - C. A proposed well is intended for non-residential use (i.e., industrial, commercial, institutional, agricultural).
6. A professional geologist licensed in the Commonwealth of Pennsylvania and qualified to conduct groundwater investigations shall prepare the Water Resources Impact Study. The

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purpose of the study will be to determine if there is an adequate supply of water for the proposed use and to estimate the impact of the additional water withdrawals on existing nearby wells, underlying aquifers and / or nearby surface water features (i.e., streams, wetlands, etc.). The Township Engineer shall review the impact study work plan, including proposed test well locations and pumping test procedures. Approval of the work plan by the Township Engineer shall be required prior to implementation.

7. The adequacy of water supply shall be determined based upon the guidelines established in the Adams County Wellhead Protection Plan (ACWHPP). A water system, which does not provide the minimum rate of supply of water for the proposed use, does not meet drinking water quality standards, adversely affects nearby wells, ponds, and streams within ¼ mile of the site boundaries, and/or adversely impacts the underlying aquifers shall not be approved by the Township.
8. Where a water main supply is within one thousand (1,000) feet of, or where plans approved by the Township provide for the installation of such public water facilities, the developer shall provide the development with a complete water main supply system in accordance with the Township or applicable Municipal Authority requirements. At the Townships discretion, an escrow account may be required as set forth in section 505.A.2.

411 - WATER RESOURCES IMPACT STUDIES

The Water Resources Impact Study shall contain at a minimum the following information:

1. Calculations of project water demands, including a determination of required fire flows.
2. Literature review and reference of published geologic and hydrogeologic reports.
3. A geologic map of the area within a one (1.0) mile radius of the proposed property boundaries and site.
4. The location of all faults, lineaments and fracture traces on-site and within one half (1/2) mile of the proposed property boundaries.
5. The locations of all existing and proposed wells within ¼ mile of the site and all large withdrawal wells (100,000 gpd+) within half (0.5) a mile of the site.
6. The locations of all test wells (both pumped and observation), along with the proposed lot boundaries, should be located on an accurate site plot plan or basemap at a minimum scale of one (1) inch to five hundred (500) feet.
7. A map of the boundary of the surface watershed in which the proposed development is located (use relevant USGS 7.5-minute topographic map as a basemap). The approximate property boundary for the development shall be delineated on this surface watershed map.
8. An identification of known sources of groundwater contamination within this mapped surface watershed boundary and evaluation of the potential impact(s), if any, of this contamination on the proposed ground water use.
9. The location of all existing and proposed on-lot septic systems within ¼ mile of the well.
10. The location of all streams, perennial and intermittent, within ¼ mile of the well.
11. An identification of existing municipal, community, industrial and/or agricultural demands on groundwater resources located within half (0.5) a mile of the proposed development boundaries.
12. A Water-Table or Potentiometric Surface Map showing groundwater elevation contours and the direction of groundwater flow.
13. A water budget for the subject site from available information contained in published literature and government sources for the geologic formation(s) occupying the site. The budget calculations should document long-term average precipitation (inches per year, in/yr),

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total surface runoff (in/yr), evapotranspiration (in/yr), and groundwater recharge rates (in/yr and gallons per day per acre). The long-term average groundwater recharge rate should be reduced by forty percent (40%) to estimate the annual amount of groundwater recharge expected during years of drought conditions.

14. A confirmation of no nearby groundwater users whose withdrawal would inhibit the development from meeting its proposed groundwater usage rate.
15. A calculation derived from the total annual groundwater recharge calculated for drought conditions for the proposed development by three hundred (300) gpd (One (1) Equivalent Dwelling Unit, EDU) to calculate the maximum number of residential building lots that can be adequately supplied by the groundwater resource underlying the subject development site.

411-A – SITE SPECIFIC REPORT REQUIREMENTS

The following site-specific investigations shall be carried out in preparation of the Water Resources Impact Study:

1. The installation and testing of new water supply wells for residential developments shall be included as part of the impact study as follows:
 - A. One test well and at least one observation well shall be installed and tested for proposed developments of three (3), four (4), or five(5) lots where the smallest proposed lot is less than five (5) acres in area.
 - B. For proposed developments of six (6) or more lots, test wells and observation wells shall be installed and tested on thirty percent (30%) of the proposed lots. Test wells shall be located to be representative of both the variety of landforms and geologic formations contained by the proposed development.
 - C. For developments underlain entirely by Diabase, one test well shall be installed and tested on each lot to ensure an adequate water supply.
2. The installation and testing of new water supply wells for non-residential developments shall follow the frequency given below:
 - A. For a non-residential user proposing to withdraw 25,000 gpd or less, one new test well shall be installed and tested. At least one observation well is required to be monitored during both the pumping/recovery phase of the well test.
 - B. For a non-residential user proposing to withdraw more than twenty five thousand (25,000) gpd but less than one hundred thousand (100,000) gpd, two(2) new test wells shall be installed and tested.
 - C. A non-residential user proposing to withdraw one hundred thousand (100,000) gpd or more will be reviewed by the Township with input from the Interstate Commission on the Potomac River Basin (ICPRB). The Township shall not grant signature of final plan approval until all necessary permits are obtained from all applicable regulatory agencies.
3. Each test well shall have an accurate geologic log prepared under the direction of a professional geologist licensed by the Commonwealth during the drilling of the well, giving a detailed description of the type and thickness of soils and bedrock formations encountered.

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Additionally, the log should contain information on the depth and thickness of all water bearing zones encountered and the yield from each zone.

4. Pumping Tests and Recovery Tests – Each new test well shall be pumped at a constant discharge rate for a minimum period of eight (8) continuous hours. The discharge rate shall be appropriate to the blown yield of the well to adequately stress the aquifer but not dewater the well. Recovery levels shall be measured at regular intervals immediately following the pumping period until ninety percent (90%) recovery of the pre-test water level is achieved.
5. During the performance of each pumping recovery test, time-drawdown measurements (within accuracy of one-tenth foot) shall be taken from the pumped well and at least one nearby observation well. The time-drawdown measurements must be taken in both the pumped well and the observation well at the following minimum frequencies:
 - A. One (1) reading every minute for the first ten (10) minutes of the test.
 - B. One (1) reading every two (2) minutes for the ten (10) to one hundred (100) minute test interval.
 - C. One (1) reading every ten (10) minutes for the one hundred (100) to three hundred (300) minute test interval.
 - D. One (1) reading every twenty (20) minutes from three hundred (300) minutes to the end of the pumping period.
 - E. Repeat frequency for recovery phase of test.
6. All observation wells should be located within two hundred (200) feet horizontal distance from the pumping well, or be close enough to incur measurable drawdown during the pumping phase of the test. The observation well can be either a) an existing domestic well, but only if the domestic well is not actively pumped for the entire duration of testing (pumping and recovery phases) and its construction details (total depth and cased depth) penetrate the same hydrogeological unit as the new well, or b) a new supply well on an adjacent lot if that adjacent well penetrates the same hydrogeological unit as its construction details (total depth and cased depth) are compatible with the new well being tested, or c) a new well specifically installed as an observation well for test purposes and scheduled for permanent abandonment following relevant Township requirements after the testing has been completed.
7. The time-drawdown data collected from each pumping test should be used to define the local aquifer characteristics, including hydraulic conductivity, transmissivity, coefficient of storage, and the expected long-term yield of the well(s) being tested. Distance-drawdown relationships and impact on surrounding water users from the proposed groundwater withdrawal should be included in the assessment. A groundwater availability analysis should be included in the impact study to demonstrate that there are sufficient groundwater resources within the drainage basin to support both existing users and the proposed withdrawal. Raw time-drawdown data and field testing notes should be included in the report as an appendix.
8. Water samples for chemical analyses shall be collected from the pumped wells within one hour of the scheduled end of the pumping phase of each test. Samples shall be analyzed at a DEP-certified laboratory for pH, total dissolved solids, iron, manganese, nitrate-nitrogen and coliform bacteria. A copy of the laboratory analytical report for each sample shall be included and summarized in the report.

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411-B – WATER RESOURCES IMPACT STUDY DETERMINATION

When a Water Resources Impact Study has been performed in accordance with this Chapter, the Board of Supervisors will approve the use of on-lot water supply systems (wells) or non-residential use wells when:

1. This report indicates that justification of the project necessitates consideration of this type of water supply.
2. The anticipated water supply yield is adequate for the type of development proposed.
3. The installation of such systems will not endanger or adversely decrease the groundwater supplies to adjacent properties.

When deemed appropriate and necessary by the Township Engineer, the analysis of the potential hydrologic impact using a groundwater model (i.e., MODFLOW) may be required in addition to the above fieldwork to adequately characterize and predict the overall impact the proposed project will have on availability groundwater resources.

411-C – ASSOCIATIONS FOR THE OPERATION OF PRIVATE COMMUNITY WATER OR SANITARY SEWER SYSTEMS

A private homeowners association shall be formed by the developer, to which all lot owners must belong, and which shall be governed by the following minimum provisions:

1. The association shall be charged with the responsibility for the operation, maintenance and replacement of the system, which obligation shall be transferred from the developer according to the schedule set forth in its operation bylaws or other agreement with the developer, and which schedule is approved by the Township.
2. At the time of transfer of the system, the Association shall become the owner of the complete system, including the plant, pumps, conveyance facilities and appurtenances.
3. The association must have perpetual existence and shall remain fully responsible for the operation, maintenance and replacement of the system unless it is dedicated to, and accepted by, a municipality or municipal authority having jurisdiction to provide public water or sanitary sewer services in the area in which the development is located.
4. The association charter and/or bylaws shall provided for the collection of all operation, maintenance and replacement costs of the system, by assessments or other charges, from all lot owners serviced by the system.
5. The association bylaws shall provide for the placement of liens against the owners of units/lots who have failed to pay any assessments or other charges when due; such liens to have priority over any lien filed to recover association debt.
6. The association shall be required to maintain liability insurance at all times and in amounts acceptable to the Township, or as otherwise required by the Pennsylvania Department of Environmental Protection, covering the operation, maintenance and replacement of the

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system; the township shall be named as an additional insured on the association's liability policy.

7. The association shall concurrently submit to the Township copies of all reports that are required to be submitted to the Pennsylvania Department of Environmental Protection regarding the operation, maintenance and repair of the system.
8. The association shall provide copies of its financial statements to the Township on an annual basis, promptly after such statements are approved for the year.
9. The association and all owners of lots within the development shall, during such ownership and/or use of the system, indemnify, defend and hold harmless the Township from any and all claims, demands, liabilities, damages and losses, including reasonable attorney fees, resulting, in whole or in part, from the construction, installation, operation, maintenance and/or replacement of the system.
10. Prior to final plan approval, the developer and/or Association shall establish and maintain financial security with the Township to cover the costs of future operation, maintenance and replacement of the system in accordance with Chapter 71 of Title 25 of the Regulations of the Pennsylvania Department of Environmental Protection.
11. The association shall enter into a contract for an operation/maintenance agreement with a Pennsylvania Department of Environmental Protection certified plant operator, and backup plant operator as required by its Regulations, which shall require the plant operator to comply with all federal and state laws and to provide copies to the Township on a quarterly basis of all reports made to any federal or state agency. The operator shall monitor the system as required by Pennsylvania Department of Environmental Protection. The association shall, on a prompt annual basis, provide a copy of the operators' license to the Township. The association shall notify the Township if the contract for operation/maintenance agreement changes, including, but not limited to, a different operator or back-up operator.
12. The Township shall be deemed to be a third party beneficiary of the homeowners association agreement and if, for any reason, the Township expends monies to maintain, repair or replace the system due to a default by the association, the individual lot owners shall be responsible to reimburse the Township for any monies so expended, and failure to reimburse shall constitute grounds for the Township to place a lien on the lot owner's property. Nothing herein shall be construed to place any duty or responsibility on the Township with respect to any matter concerning the operation, maintenance or replacement of the system.
13. The document containing the above provisions shall be presented to the Township Engineer and Township Solicitor for review and approval prior to final plan approval.

412 - TRAFFIC IMPACT STUDIES

- A. Purpose and Intent:

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The impact of new traffic from proposed land developments is an important aspect of assessing the overall impacts of new development in the Township. All new land developments will generate new traffic. Some land developments may generate enough traffic to create congestion and/or substantially increase the level of travel delay experienced by existing users of the township's transportation system. Corrective measures may be necessary to mitigate the transportation impacts of proposed land developments. These corrective measures could include new roads, traffic signals, turn lanes, and other intersection improvements. Traffic impact studies will allow the township to better determine the transportation demands of development proposals and provide for reduction of adverse impacts on the transportation system.

B. Objectives:

The township finds that requiring a traffic impact study for proposed developments that meet certain thresholds of applicability will help to achieve the following objectives:

1. Identify the amount of additional traffic that would be generated by the development;
2. Assess the impacts of the development on the operational performance of the Township's roadway system;
3. Determine the ability of the Township's current roadway system to accommodate the additional traffic demands of the development;
4. Determine the improvements necessary, if any, to accommodate the additional traffic associated with the new development;
5. Ensure safe and reasonable traffic conditions on streets after the development is complete;
6. Protect the substantial public investment in the street system;
7. Provide information relevant to comprehensive planning, transportation planning, transit planning and the provision of programs and facilities for traffic safety, road improvements, transportation demand management, pedestrian access and other transportation system considerations

C. Definitions

DEVELOPMENT- Any land development, subdivision, and/or change in use proposed for consideration by the Township.

HORIZON YEAR -The horizon year shall be ten years into the future from the opening date of the proposed development.

INTERNAL TRIPS -Trips that are made within a multi-use or mixed-use development, by vehicle or by an alternate mode, such as walking, and bicycling.

LEVEL OF SERVICE (LOS) - A quantitative and qualitative measure defined by the "Highway Capacity Manual", latest edition of how well traffic flows on a given roadway or intersection. Level of Service relates to such factors as highway width, number of lanes, percentage of trucks, total traffic volume, turning movements, lateral clearances, grades, sight distance, capacity in relation to volume, travel speed and other factors which affect the quality of flow. Level of

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Service is typically summarized by letter grades described as follows:

Level "A" is a condition with low traffic volumes, high speeds and free-flow conditions.

Level "B" is a condition with light traffic volumes, minor speed restrictions and stable flow.

Level "C" is a condition with moderate traffic volumes, where speed and maneuvering are restricted to a limited degree by the amount of traffic.

Level "D" is a condition with heavy traffic operating at tolerable speeds, although temporary slowdowns in flow may occur.

Level "E" is a condition of very heavy flow and relatively low speeds. Under Level "E" the traffic is unstable and short stoppage may occur.

Level "F" is a condition of extremely heavy flow, with frequent stoppage and very slow speeds. It is an unstable traffic condition under which traffic often comes to a complete halt.

NEW TRIPS -Total vehicle trips, minus pass-by trips, minus internal trips, if applicable.

PASS-BY TRIPS -Vehicle trips which are made by traffic already using the adjacent roadway and entering the site as an intermediate stop on the way to another destination.

PEAK HOURS OF ADJACENT STREET TRAFFIC -The highest hourly volumes of traffic on the adjacent streets (four consecutive fifteen minute intervals) on a typical weekday between 7:00 a.m. to 9:00 a.m. and/or between 4:00 pm to 6:00 pm.

SITE GENERATED PEAK HOUR -The highest hourly volume of traffic entering and exiting a development site. This peak may coincide with the peak hour of adjacent street traffic or occur at other times such as mid-day, late evening, or during the weekend.

LOCAL TRIP GENERATION STUDY -A study by a qualified professional of a minimum of three comparable developments of similar land use and development characteristics which provides empirical data on the actual number of trips entering and exiting said development(s) during the applicable peak hours.

QUALIFIED PROFESSIONAL -For purposes of conducting traffic impact studies as may be required by this Section, a qualified professional shall mean a registered professional engineer with experience in traffic engineering.

TRAFFIC IMPACT STUDY -An analysis and assessment, conducted by a qualified professional that assesses the effects that traffic related to a proposed land development will have on the transportation network in a community or portion thereof. Traffic impact studies vary in their range of detail and complexity depending on the type, size and location of the proposed development.

TRIP -A single or one-directional travel movement with either the origin or destination of the trip inside the study site.

TRIP GENERATION -An estimate of the number of vehicle trips that will be generated due to the new development, which is calculated, based on the type and amount of land uses in the

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proposed development and professionally accepted trip generation data for each such land use. Trip generation may be expressed on an average daily or peak hour basis.

D. Thresholds of Applicability:

A traffic impact study shall be required for any land-development proposal, subdivision, and/or change in use which is expected to generate fifty (50) or more new trips during any peak hour or five hundred (500) or more new trips during an average day. The estimated number of trips shall be determined in accordance with this Section.

The Township reserves the right to require a traffic impact study for developments generating less than 50 new trips during any peak hour in cases where traffic deficiencies exist in the area of the proposed development.

E. Exemptions:

1. A traffic impact study is not required if the land-development proposal is initiated by the Township.
2. A land development proposal may be exempted from the traffic impact study requirement if a prior traffic impact study for the subject property has been submitted to the township within the previous 2-years and the proposed development is substantially similar to that for which the prior traffic impact study was conducted.

G. Scoping Meeting:

Prior to beginning a traffic impact study, the applicant or its representative must schedule a scoping meeting with the appropriate representatives of the Township. The purpose of this scoping meeting is to discuss the availability of site-specific information concerning the development, available traffic counts from other studies, boundaries of the study area, time periods of study, and pending developments located nearby that may influence travel patterns within the study area. Representatives of adjoining municipalities shall be invited to the scoping meeting if the boundary of the study area as defined by this Section crosses the Township boundary.

The applicant shall submit the following information to the Township at least two weeks prior to the Scoping Meeting:

1. A brief description of the proposed project in terms of location, type, and intensity of land-use.
2. A map of the study area defined in accordance with the requirements of this Section.
3. Projected site generated traffic volumes determined in accordance with the requirements of this Section for average daily traffic, the peak hours of adjacent street traffic, and the peak hour of generator.

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G. Time Periods of Study:

At a minimum, the traffic impact study must provide all the analyses identified by this Section for the morning and afternoon peak hours of adjacent street traffic during a typical weekday. Proposed retail developments must also provide all the analyses identified by this Section for the Saturday peak hour of generator. Proposed developments expected to have site-generated peak hour(s) that differ from the peak hours of adjacent street traffic must also include all the analyses identified by this Section for the peak hour(s) of the generator. Examples of these types of developments include, but are not limited to, elementary schools, high schools, movie theaters, churches, and stadiums. The time periods of study shall be established during the Scoping Meeting required by this Section.

H. Definition of Study Area:

The traffic impact study area shall include all major streets and intersections expected to accommodate fifty (50) or more new trips during any peak hour or five hundred (500) or more new trips during an average day. Major streets shall include all roadways with a functional classification other than local road or residential street. Major intersections shall include all junctions other than those involving only local roads or residential streets. The study area for all traffic impact studies shall include the driveway access points between the development and the external roadway system.

I. Required Contents of a Traffic Impact Study:

The traffic impact study must evaluate the adequacy of the existing transportation system to serve the proposed development and identify the expected impacts of the proposed development on the transportation system. The traffic impact study must provide adequate information for township staff to evaluate the development proposal and, when appropriate, recommend conditions of approval.

The qualified professional preparing the traffic impact study is encouraged to coordinate preparation with local staff and staff from other jurisdictions, as appropriate, to ensure that all necessary components are included in the traffic impact study and to reduce revision and review time.

The traffic impact study shall include at least the following minimum components:

1. Title Page The title page shall list the name of the proposed development, the location of the proposed development, the name of the applicant, and the name of the qualified professional that prepared the study.
2. Certification The traffic impact study shall be signed and sealed by a qualified professional. The seal shall be affixed to the title page.
3. Executive Summary The executive summary shall describe the location and composition

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of the proposed land development, discuss the major findings of the traffic impact analysis, and list the recommendations of the qualified professional.

4. Table of Contents The table of contents shall provide a page number listing of the major components of the traffic impact study.
5. Location Map A location map shall illustrate the place of the proposed development and the location of intersections within the study area as defined by this Section.
6. General Site Description The site description shall include the existing and proposed land uses, current zoning, size of the proposed development, number/location of access points onto the surrounding roadway system, construction phasing, and completion date of the proposed land development. A conceptual site plan of the proposed development shall be included in the traffic impact study.
7. Internal Transportation System The traffic impact study shall describe the transportation system located within the proposed development site. This description shall include vehicular ingress and egress locations, existing or proposed internal roadways including the widths of cartway, widths of right-of-way, parking conditions, traffic channelization, traffic control devices, bicycle accommodations, and pedestrian accommodations.
8. External Transportation System The traffic impact study shall describe the entire external roadway system within the study area defined by this Section. For major streets within the study area, this description shall include identification of route number, right-of-way widths, cartway widths, shoulder widths, presence/absence of curbing, Township functional classification, State functional classification, regional connectivity, posted speed limits, 85th percentile operating speed, roadside conditions, and pavement conditions. For major intersections within the study area, this description shall include a description of the intersection layout, number of lanes, approach gradient, lane-use control, type of traffic control, and traffic signal timing parameters. Where applicable, traffic signal permit plans shall be obtained from the Pennsylvania Department of Transportation and included in an Appendix to the traffic impact study. A sketch depicting existing conditions shall be provided in the traffic impact study for all roadways and intersections within the study area.
9. Nearby Development The traffic impact study shall list and provide a brief description of other planned, pending, partially built-out, vacant, and/or partially occupied land developments within the study area that have received municipal land development approval. These nearby developments shall be identified during the Scoping Meeting required by this Section. All nearby developments listed in this section shall be included in the future-year traffic projections for the study area.
10. Programmed Roadway Improvements The traffic impact study shall list and describe any roadway improvements that have been scheduled with guaranteed funding by either the Township or the Pennsylvania Department of Transportation for construction by the project horizon year. This information shall be identified during the Scoping Meeting

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required by this Section. The programmed roadway improvements listed in this section shall be included in the future-year level-of-service analyses of the study area.

11. Existing Traffic Conditions The traffic impact study shall identify existing traffic conditions for all roadways and intersections in the study area. The existing traffic data, including the traffic volumes for average daily traffic, peak hours of adjacent street traffic, and peak hour(s) of the generator, if applicable, shall be field collected by experienced personnel. Traffic counts for the weekday peak hours of adjacent street traffic and the weekday peak hour(s) of the generator shall be collected on a Tuesday, Wednesday, or Thursday during a week that does not include a federal and/or state holiday. The traffic impact study shall illustrate the existing traffic volumes on a schematic turn movement diagram of the study area.

The traffic counts shall be reflective of the year of when the report was prepared. Traffic counts between one and three years old may be used if factored to the current year using an appropriate growth rate for the area in question. Traffic counts older than three years shall not be used in the traffic impact study.

Seasonal adjustment of traffic counts is required when the study area is located within or near a major tourist destination. The seasonal adjustment factor shall adjust the field-collected traffic counts from the off-peak observed value to the expected value during the highest month of the peak season. In no case shall the seasonal adjustment factor be used to adjust the field-collected traffic counts to a lesser value.

The traffic impact study shall provide a discussion of the balance of the existing traffic counts between adjacent intersections. Potential mid-block sinks and sources of traffic shall be identified to justify any imbalance or the existing traffic counts shall be balanced to the higher of the observed values.

12. Trip Generation The traffic impact study shall estimate trip generation for the proposed development based on the publication "Trip Generation" published by the Institute of Transportation Engineers (ITE), most recent edition. The independent variable selected for the calculation of trip generation shall be based on the procedures of "Trip Generation Handbook" by ITE, most recent edition. The method of calculation of trip generation (by weighted average rate, by equation, or by local data) shall also be based on the procedures of the "Trip Generation Handbook". If local data collection is required, the local data must be collected based on the procedures of the "Trip Generation Handbook" at a minimum of three similar sites and be presented in a manner that is verifiable by the township.

For retail developments, the traffic impact study shall estimate pass-by trips based on the procedures of the "Trip Generation Handbook" by ITE, most recent edition. The qualified professional must provide justification for any assumptions related to the estimate of pass-by trips, particularly in cases where the "Trip Generation Handbook" does not provide applicable data for the land-use or time period in question.

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For multi-use developments containing a mixture of retail, office, and/or residential uses, the traffic impact study shall estimate the number of internal trips following the procedures of the “Trip Generation Handbook” by ITE, most recent edition. The total amount of internal trips for any one land-use within the multi-use site to/from all other land-uses of each type (retail, residential, or office) within the multi-use site shall be limited to the applicable internal capture rate presented in “Trip Generation Handbook” for each type of land-use pairing. The qualified professional must provide justification for any assumptions related to the estimate of internal trips, particularly in cases where the “Trip Generation Handbook” does not provide applicable data for the time period in question.

For developments expected to generate more than thirty (30) trucks per day, the trip generation data shall include separate figures for trucks.

If phased development is proposed, a trip generation estimate shall be provided for the amount of development completed at the end of each phase.

13. Trip Distribution and Assignment The traffic impact study shall estimate trip distribution based on one of the procedures suggested in the publications “Transportation and Land Development” by ITE, latest edition and “Transportation Impact Analysis for Site Development” by ITE, latest edition. The qualified professional may follow other methods for trip distribution/traffic assignment with the Township’s approval. Supporting data and calculations must be provided in the traffic impact study for verification of the trip distribution pattern.

When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. A multi-use development may require more than one distribution and coinciding assignment for each land-use type.

Trip distribution for pass-by trips shall follow the procedures of the “Trip Generation Handbook” by ITE, latest edition. The amount of pass-by trips routed into the development site from any adjoining roadway shall be limited to 25 percent of the non-site related traffic volume on that roadway.

For developments expected to generate more than thirty (30) truck trips per day, the study shall include separate trip distribution figures for trucks. For the level-of-service analyses, the percentage of heavy vehicles by approach shall be recalculated to include the expected trucks that would be generated by the development. The traffic volume entries for the trucks in the traffic signal warrant analyses and auxiliary turn lane analyses required by this Section shall be adjusted to passenger car equivalents in accordance with the “Highway Capacity Manual”, latest edition.

13. Forecast Pre-Development Traffic Volumes The traffic impact study shall provide opening year and horizon year forecasts of average daily traffic and peak hour traffic volumes for pre-development conditions. This forecast shall follow the build-up method recommended in “Transportation Impact Analysis for Site Development” by

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ITE, latest edition. Regional travel growth shall be estimated by adjusting existing through traffic volumes within the study area (un-related to specific land developments within the study area) by a growth rate reflective of the type of roadways within the study area. The growth rate referenced in this step shall be reflective of regional changes in travel growth from a minimum history of five years. Traffic related to the nearby developments within the study area shall be identified from available traffic impact studies or estimated following the procedures of this Section. The forecasted traffic volumes without development would equate to the sum of existing traffic, expected change in traffic due to regional growth, and expected traffic related to nearby developments.

The traffic impact study shall illustrate the forecasted pre-development traffic volumes on schematic turn movement diagrams of the study area.

14. Forecast Traffic Volumes With the Development The traffic impact study shall provide opening year and horizon year forecasts of average daily traffic and peak hour traffic volumes for with development conditions. This forecast shall follow the build-up method recommended in "Transportation Impact Analysis for Site Development" by ITE, latest edition. The forecasted traffic volumes with development would equate to the sum of existing traffic, expected change in traffic due to regional growth, expected traffic related to nearby developments, and expected traffic from the development site.

The traffic impact study shall illustrate the forecasted traffic volumes with development on schematic turn movement diagrams of the study area.

15. Level-of-Service Analysis, Baseline Conditions The traffic impact study shall provide a level-of-service analysis for all roadways and key intersections within the study area for all applicable peak hours for existing conditions, opening year conditions without new traffic associated with the proposed development, opening year conditions with new traffic associated with completed phases of the proposed development, horizon year conditions without new traffic associated with the proposed development, and horizon year conditions with traffic associated with full build-out of the proposed development. The level-of-service analysis shall reference the methodologies presented in the current edition of the Transportation Research Board's "Highway Capacity Manual". The qualified professional shall utilize the most recent edition of any computer software implementations of the Highway Capacity Manual.

The analysis of the baseline level-of-service conditions shall be based on the current geometric and traffic conditions unless otherwise specified by this Section. Traffic signal timings shall be optimized in a manner that minimizes overall intersection delay for all future year conditions. Programmed roadway improvements within the study area shall be considered for the level-of-service analyses of future year conditions, if scheduled for implementation by the future year under consideration. Any deviations from the default values suggested by the Highway Capacity Manual for ideal saturation flow rate, lane utilization, lost time, critical gap, follow-up time, etc. must be fully justified by the

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qualified professional in a manner that the Township can verify. Analysis parameters such as the peak hour factor and percentage of heavy vehicles shall be referenced by approach from the existing traffic counts taken within the study area. The peak hour factor for movements that directly enter the development site via an access driveway shall be set at 0.9. Unless otherwise specified by this Section, percent heavy vehicles for movements that directly enter the development site via an access driveway shall be set at 2 percent.

The results of the levels-of-service analysis shall be summarized in tabular form and identified on schematic diagrams for all roadways within the study area and for all lane-groups, approaches, and overall averages at all intersections within the study area.

16. Impact Identification The traffic impact study shall identify the locations where traffic related to the proposed development has impacted level-of-service (LOS)/travel delay within the study area. Levels of service must not deteriorate below LOS C if pre-development traffic operates a LOS C or better conditions, be maintained if pre-development traffic operates at LOS D or LOS E, and be maintained at pre-development levels of average travel delay if pre-development traffic operates at LOS F. A change in average travel delay of least 5 seconds per vehicle must occur along any roadway, lane-group, approached, or intersection average before the level-of-service is determined to have been impacted.
17. Mitigation Analysis The traffic impact study shall suggest roadway improvements to mitigate any identified impacts that have occurred within the study area. A level-of-service analysis with the proposed mitigation shall be provided for all roadways and key intersections within the study area to demonstrate the effectiveness of the suggested roadway improvements. The level-of-service analysis shall reference the methodologies presented in the current edition of the Transportation Research Board's "Highway Capacity Manual,". The qualified professional shall utilize the most recent edition of any computer software implementations of the Highway Capacity Manual. Any deviations from the default values suggested by the Highway Capacity Manual for ideal saturation flow rate, lane utilization, lost time, critical gap, follow-up time, etc. must be fully justified by the qualified professional in a manner that the Township can verify. Analysis parameters such as the peak hour factor and percentage of heavy vehicles shall be referenced by approach from the existing traffic counts taken within the study area. The peak hour factor for movements that directly enter the development site via an access driveway shall be set at 0.9. Unless otherwise specified by this Section, percent heavy vehicles for movements that directly enter the development site via an access driveway shall be set at 2 percent.

The results of the mitigation analysis shall be summarized in a tabular comparison of pre-development level-of-service and with development level-of-service with proposed mitigation. The results of the mitigation analysis shall also be shown on schematic diagrams for all roadways within the study area and for all lane-groups, approaches, and overall averages at all intersections within the study area.

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18. Preferred Level-of-Service Analysis The traffic impact study shall suggest roadway improvements to provide a preferred level-of-service “C” along all roadways, lane-groups, approaches, and intersection averages within the study area for horizon year conditions with development. A level-of-service analysis with the proposed improvements to provide preferred level-of-service shall be provided for all roadways and key intersections within the study area to demonstrate the effectiveness of the suggested roadway improvements. The level-of-service analysis shall reference the methodologies presented in the current edition of the Transportation Research Board’s “Highway Capacity Manual.”. The qualified professional shall utilize the most recent edition of any computer software implementations of the Highway Capacity Manual. Any deviations from the default values suggested by the Highway Capacity Manual for ideal saturation flow rate, lane utilization, lost time, critical gap, follow-up time, etc. must be fully justified by the qualified professional in a manner that the Township can verify. Analysis parameters such as the peak hour factor and percentage of heavy vehicles shall be referenced by approach from the existing traffic counts taken within the study area. The peak hour factor for movements that directly enter the development site via an access driveway shall be set at 0.9. Unless otherwise specified by this Section, percent heavy vehicles for movements that directly enter the development site via an access driveway shall be set at 2 percent.

The results of the preferred level-of-service analysis shall be summarized in a tabular comparison of pre-development level-of-service and with development level-of-service with proposed improvements to provide preferred level-of-service. The results of the mitigation analysis shall also be shown on schematic diagrams for all roadways within the study area and for all lane-groups, approaches, and overall averages at all intersections within the study area.

19. Proportional Impact Analysis The traffic impact study shall identify the proportional impact of development traffic on all roadway and intersections within the study area. The proportional impact shall be calculated based on the change of the critical volume to capacity ratio between pre-development and with development conditions during the horizon year.
20. Traffic Signal Warrant Analysis The traffic impact study shall provide a traffic signal warrant analyses for all un-signalized intersections within the study area. The warrant analysis shall consider all of the vehicular volume-based conditions listed in the Manual on Uniform Traffic Control Devices, current edition and the applicable publications of the Pennsylvania Department of Transportation. The warrant analysis shall include all applicable peak hours for existing conditions, opening year conditions without new traffic associated with the proposed development, opening year conditions with new traffic associated with completed phases of the proposed development, horizon year conditions without new traffic associated with the proposed development, and horizon year conditions with traffic associated with full build-out of the proposed development. If signal warrants are satisfied, a left-turn lane/left-turn phase warrant analysis shall be prepared based on procedures detailed by the Pennsylvania Department of Transportation in Publication 149.

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21. Queue Analysis The traffic impact study shall provide a comparison of existing queue storage characteristics within the study area to the projected 95th percentile queue lengths for all applicable peak hours for existing conditions, opening year pre-development conditions, opening-year with development conditions, horizon year pre-development conditions, horizon year post development conditions, opening year with development conditions with suggested mitigation, and horizon year with development conditions with suggested mitigation. The applicant shall identify any improvements necessary to the queue storage characteristics of the study area to prevent gridlock and queue spill back conditions. The method used to identify the 95th percentile queue lengths is subject to Township approval.
22. Auxiliary Turn Lane Analysis The traffic impact study shall provide auxiliary turn lane analyses for the major street approaches to the proposed access points of the development with the external roadway system. Storage length requirements for warranted left-turn lanes shall be a minimum of 75-ft or sufficient distance to accommodate the 95th percentile queue. Storage length requirements for right turn lanes shall be 200-ft plus 100-ft taper for if a full width turn lane is warranted or 200-ft taper if a right-turn taper is warranted. The method used to evaluate auxiliary turn lane warrants is subject to Township approval.
23. Sight Distance The traffic impact study shall identify available sight distance at each proposed access point between the development and the external roadway system. The traffic impact study shall provide a table that compares the available sight distance to the Township's requirements as specified in the Subdivision and Land Development Section and the criteria of the Pennsylvania Department of Transportation as detailed in Title 67 of the Pennsylvania Code.
24. Improvement Sketches The traffic impact study must provide sketches of any roadway improvements suggested to satisfy the requirements of this Section. The sketches shall show the improvements on a preliminary engineering drawing at a scale of one inch equals twenty five feet (1"=25'). The drawing must depict proposed lane configurations, lane widths, cartway widths, approach gradient, types of traffic control, right-of-way widths, utility locations, etc. A cost estimate for implementing the suggested improvements shall also be provided.

J. Costs and Fees:

The Township assumes no liability for any costs of time delays (either direct or consequential) associated with the preparation and review of traffic impact studies. The applicant shall reimburse the township for all costs related to review of the traffic impact study. No permits for construction or occupancy of a development shall be issued until the applicant reimburses the Township for all such fees.

K. Submittal and Review of Study:

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The applicant for the proposed development or the qualified professional shall submit five (5) paper copies of the traffic impact study to the Township for review. The level-of-service worksheets shall also be submitted to the Township on digital media in the software format used for the level-of-service analysis. The Township, at its discretion, may hire a qualified professional to review the traffic impact study. The Township at its discretion may also submit copies of the report to applicable review agencies including, but not limited to the Pennsylvania Department of Transportation, the county planning department, adjacent municipalities, the school district and/or metropolitan/rural planning organization. The traffic impact study will be considered a public report and will be made available for public review.

L. Coordination with the Pennsylvania Department of Transportation.

For developments where the Pennsylvania Department of Transportation (PennDOT) has required a traffic impact study, the traffic impact study shall follow the more restrictive requirements of PennDOT or this Section.

413 - LANDSCAPING REQUIREMENTS

Where required by the Township, all plans shall be accompanied by a Landscaping Plan. The Landscaping Plan shall be reviewed and approved as part of the Preliminary Plan phase. Subdivision plans which are exempt from submittal of a Preliminary Plan shall be exempt from submittal of a Landscaping Plan. Requirements of the Landscaping Plan are as follows:

413-A- Plan Requirements

1. Plan shall be prepared by a registered landscape architect.
2. Detail drawings and specifications shall be provided on the plan where applicable.
3. There shall be a key or legend which corresponds to the plan identifying type of plant.
4. Each lot within a subdivision or land development shall be provided with planting areas. In the case where the lot is intended for single family residential use specific plants do not have to be indicated, however the plan shall identify minimum areas for landscaping.
5. Design shall be in accordance with standard practice of landscape architecture.
6. Selection of plants and trees shall be based on the location of the site and local environmental influence such as slope, soil, wind, temperature, shade, rainfall, and etc.
7. The landscape plan shall be subject to review and approval by the Township Engineer.
8. Responsibility for future maintenance shall be that of the property owner, however the developer is responsible for installation under the terms of the posted financial surety.
9. The sub-divider or land developer and/or applicant shall be required to preserve all historic trees. The sub-divider or land developer and/or applicant shall be responsible for contacting the Pennsylvania Historic and Museum Commission (PHMC) to verify historical significance of the trees. If significance is documented, the Township may require review of the proposed development by PHMC.

413-B-Plan Objectives and Standards

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1. To provide scenic relief for the purpose of conserving and enhancing the appearance of the community, especially in areas of potential scenic value and of historical note.
 - a. To assist property owners in maintaining the appearance of their neighborhoods.
 - b. To provide adequate buffer yards and planting screens to reduce glare; to abate other nuisances; to enhance planting areas in conjunction with streets; where such are required by the provisions of the applicable Township Zoning Ordinance.
 - c. To accomplish one or more of the following purposes: screening, retard stormwater runoff, stabilize steep slopes, direct or restrict pedestrian access, define spaces, provide shade and/or complement and enhance the building and grounds, buffer and enhance natural resources such as wetlands, streams and wildlife habitat areas.
 - d. Any part or portion of a site in any district which is not used for building or other structures, loading, or parking spaces and aisles, sidewalks and designated storage areas shall be planted with a vegetative landscape, such as, but not limited to, an all season grass seed, sod or ground cover and properly maintained in accordance with Part 5, Improvement and Construction Requirements, in the Subdivision and Land Development Ordinance.
 - e. To conceal unsightly or objectionable elements of the subdivision or land development, such as loading areas and docks, trash receptacles, outside storage areas etc.
 - f. In the event unsightly or objectionable elements may not exist, a landscaping plan shall be provided.
 - g. If the construction schedule is delayed and landscaping can not be installed during the current season, the landscaping plan provided by the applicant to the Township shall specify a time frame for completion.
 - h. All landscaping is to be bonded in form approved by the Township Solicitor and in the amount approved by the Township Engineer until all work is completed and inspected by the Township.

413-C- Design Requirements

1. Street Trees

For the safety, convenience, and attractiveness of any subdivision of one (1) or more lots, the applicant shall provide a minimum of one deciduous street tree per lot, or one deciduous street tree spaced at intervals of between 70 and 100 feet apart or fraction thereof, whichever is greater, unless the lot is wooded or otherwise agreed upon by the Township. The following general standards must be considered when determining the selection and location of street trees:

- a. Location - Street trees shall be planted outside of the street right-of-way line, between the street line and the building setback line, but at least ten (10) feet from the edge of improved cartway or five (5) feet beyond the sidewalk.
 1. Street trees shall not be placed where they might interfere with the construction, use, or maintenance of any public or private sewage disposal system, water supply, or other utility/facility including sidewalks.

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2. Street trees shall not be planted opposite each other across streets but shall have alternate spacing.
 - b. All street trees shall be kept free of branches and foliage from the ground level to a height of at least eight (8) feet above sidewalks.
 - c. New street trees shall have a minimum of 1 ½” caliper tree trunk.
 - d. Street trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease, suitable for street use and in conformity with the standards of the American Association of Nurseryman.
 - e. Detailed street tree planting specifications shall be provided and shall conform to this ordinance.
 - f. Native plants shall be incorporated as appropriate.
 - g. Mature, healthy trees of at least twelve (12) inches in caliper and other significant existing vegetation shall be retained and protected in accordance with this Ordinance, “Protection during Construction” of this Ordinance. Such trees shall not be removed, except as provided on the approved subdivision and/or land development plan.
2. Parking Area Landscaping

In addition to the requirements of the applicable Township Zoning Ordinance, the following shall apply:

- a. A layer of mulch four inches deep shall be applied and maintained in all landscape areas or other approved material such as landscape stone.
- b. Curbing shall be installed to separate the vegetative island areas from vehicular traffic. Sumped vegetative areas will be considered when used as a stormwater management device. Alternative methods of curbing will be considered by the Township; however, approval of such alternative methods will be at the discretion of the Township.
- c. The plant material should be located so as to accomplish one or more of the following purposes: screening, retard storm water runoff, direct or restrict pedestrian access, stabilize steep slopes, to help visually define travel lanes through or next to the parking lot, define spaces, provide shade and/or complement and enhance the building and grounds.
- d. Deciduous street trees shall have a minimum branching height no lower than eight (8) feet from finished grades, all other plant material used for interior landscaping shall not be over two (2) feet in height at maturity, including but not limited to, shrubs, annuals, and perennials.
- e. All parking areas located greater than two hundred (200) feet from the intended land use shall be provided with paved accessible pedestrian walkways and elevated islands. Such walkways may occupy portions of the landscaped areas and be interrupted by necessary vehicular travel lanes. Wheelchair ramps meeting ADA requirements shall be provided.

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3. Commercial / Industrial Area Landscaping

In addition to requirements of the Township Zoning Ordinance and other sections of this ordinance, the following shall apply:

- a. When a district boundary is a public street no buffer yard shall be required, unless the public street is adjacent to residential and/or lots used for residential purposes, then a buffer yard shall be required in accordance with the applicable Zoning Ordinance.
- b. At the Township's discretion, additional site landscaping around proposed buildings or structures may be required.

413-D - Maintenance and Guarantee

1. All landscaping, buffer yards and plant screening shall be installed and continually maintained by accepted practices as recognized by the American Association of Nurserymen.
2. No trees, shrubs, or landscaping shall be placed where they might interfere with the construction, use, or maintenance of any public or private sewage disposal system, water supply, or other utility/facility including sidewalks.
3. All landscaping vegetation should be placed clear of both existing and proposed utilities including gas, water and sewer pipes and underground and overhead utilities such as electrical, cable and telephone wires.
4. Planting and maintenance of all landscaping vegetation shall include, but not necessarily be limited to, provisions for surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding, watering, replacement of dead plant material and be kept free of all debris and rubbish.
5. Any tree, shrub or landscaping which dies within eighteen (18) months of planting shall be replaced by the sub-divider, developer or homeowner at his expense. Any street tree which dies after the eighteen month period shall be replaced within one (1) year by the owner of the land on which such tree was located.
6. All final landscaping plans shall be accompanied by a cost estimate prepared by the landowner or developer. The cost estimate shall be evaluated by the Township and revised by the Township if necessary. The cost estimate shall serve as a basis of establishing improvements bonding related to landscaping.
7. The applicant shall make arrangements acceptable to the Township for the property's long-term landscape maintenance. The applicant shall provide the names, addresses and telephone numbers of those persons or organizations who will be assuming such responsibilities.
8. At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and/or replacement of the proposed vegetation during an eighteen (18) month replacement period. In addition, an escrow may be required for the removal and replacement of specimen trees damaged during construction.

413 - E - Protection During Construction

1. Protection of trees and existing vegetation to be retained during construction shall be subject to the following:
 - a. Trees of 12" caliper or more shall be preserved. The Board can require the landowner or

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developer to plant one tree of not less than two inches in caliper for each tree of 12" caliper or more to be destroyed.

- b. No soil shall be placed around trunks of preserved trees that are to be retained. For those trees which are to remain, tree wells may be required to preserve such trees when final grading exceeds 5" in depth around preserved trees.
- c. Trees to remain shall be protected with construction fence placed at the limit of the drip line around said trees.
- d. No boards or other material shall be nailed to trees during construction, and no trees to remain shall be sprayed with paint.
- e. Feeder roots of trees to remain shall not be cut closer than the drip line.
- f. Operation of heavy equipment shall not be allowed over root systems to prevent soil compaction.
- g. Tree trunks and exposed roots damaged during construction shall be protected from further damage by being pruned flush, and if trunks are scarred, they shall be traced out for proper healing.
- h. Tree limbs damaged during construction shall be sawed flush to tree trunks and treated with tree paints as necessary.
- i. Trees shall be given heavy application of fertilizer to aid in their recovery from possible damage caused by construction operations.
- j. Construction debris shall not be disposed of on site.

414 - RECREATION AREAS / FACILITIES

1. Recreation areas and/or facilities shall be provided for all proposed residential developments, as provided hereinafter. The number of recreational facilities that shall be installed by the Developer is based on the following table which represents the minimum number of such facilities:

<u>Dwelling Units</u>	<u>Total # of Recreation Facilities</u>
10-24	1
25-49	3
50-99	5
100-199	7
200-299	9
300-400	11
Over 400	13

2. Recreational facilities shall consist of 0.125 acres per proposed residential unit and include but not be limited to: play areas, basketball and/or volleyball courts, tennis courts, softball and/or baseball fields, pavilions, and soccer and/or football fields. The mix of facilities shall be proposed by the Developer and approved by Township.
3. Non-residential developments of 10 acres or larger shall provide 0.05 acres per 1,000 square

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feet of building floor.

4. Acceptable Land – The land to be utilized for park and recreational purposes must be free of any construction debris and comply with the following requirements and restrictions:
 - a. Land shall not be located within any floodway.
 - b. Land shall not include more than 10% wetlands or hydric soils.
 - c. Land shall not have slopes greater than 8%.
 - d. Land shall not be located in any existing or proposed storm water management facility.
 - e. Land shall not include areas with any environmental, health, or safety concern.
 - f. Land shall have at least one vehicle access area that is a minimum of 20 feet in width.
 - g. Land shall not be a part of any other ordinance requirement relating to setbacks, buffers, and or open space and greenways.

414-A - DESIGN CRITERIA

1. Recreational areas shall be undivided by any streets, except where necessary to provide for proper traffic circulation and then only upon the approval of the Township Engineer and Planning Commission.
2. Recreational areas shall be suitably landscaped either by retaining existing vegetation and wooded areas and/or by a landscaping plan for enhancing open space areas through plantings which are consistent and compliment the adjacent area.
3. Recreational areas shall be free of all structures, except those related to outdoor recreational uses.
4. Recreational areas shall be provided with sufficient perimeter parking (as agreed to by the Township to be commensurate with the expected average usage of the recreation area) and with safe and convenient access by adjoining street frontage or other right of way easements capable of accommodating pedestrian, bicycle, maintenance and vehicle traffic.
5. Recreational areas shall be suitable for active recreational uses to the extent deemed necessary by the Township, without interfering with adjacent dwelling units, parking, driveways and roads. Land to be used for active recreation shall not be in floodplains, on slopes exceeding eight percent (8%), in wetlands, stormwater facilities, or areas comprised of surface water.
6. The cost associated with the development of recreational facilities / areas shall be bonded as in the case of other public improvements bonding.
7. Maintenance responsibilities for recreational facilities / areas that will not be dedicated to the Township shall be included on the Plans.
8. The Plans shall indicate the extent of recreational areas and outline the general layout of proposed recreational facilities.

ARTICLE V

**IMPROVEMENT AND CONSTRUCTION
REQUIREMENTS**

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ARTICLE V – IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

500 – MONUMENTS AND MARKERS

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

500-A – MONUMENTS

1. Monuments shall be set:
 - A. at the intersection of all right-of-way lines.
 - B. at the intersection of lines forming angles in the boundaries of the development.
 - C. at such intermediate points as may be required by the Township Engineer.
2. Monuments shall be six (6) inches square or four (4) inches in diameter, thirty (30) inches long and constructed of concrete, stone or by setting a four (4) inch cast iron or steel pipe filled with concrete, or a four (4) inch plastic pipe filled with concrete.

500-B – MARKERS

1. Markers shall be set:
 - A. at all lot corners except those monumented.
 - B. at angles in property lines of lots
 - C. at beginning and ending of curves along street property lines.
2. Markers shall be three quarters (3/4) of an inch square, or three quarters (3/4) of an inch in diameter, twenty four (24) inches long. Markers shall be made of iron pipes or iron steel bars.

501 - STREETS

All streets shall be graded at full right-of-way width and paved to the grades and dimensions drawn on the plans, profiles, and cross-sections approved by the Township. Before establishing finished subgrade and paving the street surface, the Developer must install all required underground utilities. Specifications for the construction of streets shall be in accordance with the following:

501-A - LIGHTING

1. Street lighting exempted. This section shall not apply to street lighting that is owned, financed or maintained by the Township or state.
2. In any proposed subdivision or land development involving ten (10) or more lots or dwelling units with an average lot size or area per dwelling unit of fifteen thousand (15,000) square feet or less, a street light meeting Township Requirements shall be installed at one corner of

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every intersection. In lieu of street lights, the Township may require the developer to install individual property lights in the ratio of one (1) to each lot. In evaluation of these criteria, the total number of lots projected at build out must be considered.

3. Height of lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.
4. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
5. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed downward and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
6. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1 foot-candle at a distance 10 feet inside the residential lot line. Exterior lighting shall not cause a nighttime spillover of light that exceeds five horizontal foot-candles onto a street.
7. Canopies. Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy and/or shielded by the edge of the canopy so that light is restrained to no more than 85° from vertical.

501-B - STREET SIGNS

Where deemed necessary by the Township, street name signs may be required. Such signs, if required, shall be placed at one (1) corner of every intersection. The design, size, and placement of such signs shall be subject to Township approval.

A tabular and graphic representation of signage shall be provided on the plans including reference to required specifications. All traffic studies which are required for the justification of signage shall be prepared and submitted with the subdivision or development plan.

Speed limit signs should be placed at intervals determined by the Township.

501-C – STREET CONSTRUCTION

All construction materials and methods for improvements as required under this Section shall be in accordance with the Pennsylvania Department of Transportation Specifications Publication 408 and Roadway Construction (RC) Drawings, as may be amended.

In addition, all streets shall be constructed in accordance with any additional standards required by the Township Engineer, when in the opinion of the Engineer conditions such as traffic volume, or expected weight of proposed traffic justify alternate specifications.

- A. The Township shall inspect roadway construction to determine compliance with standards of

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Ordinance and conformance to approved plans. At a minimum each course shall be inspected prior to placement of each successive course.

- B. The Township shall reserve the right to require additional depth of materials or to deviate from type of material specified where, in the opinion of the Township Engineer; it is necessary to withstand projected traffic loads or adverse environmental conditions.
- C. The Township may, when deemed necessary by the Township Engineer, require the installation of subsurface drainage systems, which may consist of subgrade and/or drains or geo textile placement. Construction standards shall be in accordance with PennDOT Publication 408 and Roadway Construction Standards. This requirement may occur as a result of field inspections or compaction testing during construction.

502 - CURBS AND GUTTERS

- 1. Curbs shall be installed on both sides of any proposed street to be included in a proposed subdivision. Curbs may also be required on existing streets where curbs are necessary to control the flow of surface water and regulate traffic. Curbing requirements may be waived upon consideration of the recommendations of the Planning Commission, the Township Engineer, and/or the Pennsylvania Department of Transportation, based on stormwater management and/or pedestrian safety.
- 2. Curbs shall be provided in all parking compounds located within multi-family developments.
- 3. The construction of vertical curbs shall conform to Township specifications and the requirements of Plain Cement Concrete Curb, as specified in Publication 408 and RC standards of the Pennsylvania Department of Transportation, or as amended. Slant concrete curb may be used subject to approval by the Township following consultation with the Engineer and Roadmaster.
- 4. Curb Construction shall be as follows:

A. Materials

- (1) Cement Concrete - All curbs shall be constructed of PennDOT Class A Cement Concrete. For slip forming, concrete shall be designed with a maximum slump of one and one-half (1 1/2) inches.
- (2) Expansion joint filler shall include pre-molded fillers of cork, cork and rubber, or fiber types, meeting the requirements of PennDOT Publication 408. Molded expansion joint filler shall be one quarter (1/4) of an inch in thickness.

B. Construction Requirements

(1) Preparation of Foundation

- a. The material upon which the curb is to be constructed shall be compacted to a firm, even surface.

(2) Forms

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- a. Forms shall be of metal, except that wood forms may be used on sharp curves and short tangent sections, when approved by the Engineer.
- b. Forms shall be free from warp, and of sufficient strength to resist the pressure of the concrete without springing.
- c. If wood forms are used, they shall be nominal two (2) inch planks, finished on the inside and top.
- d. All forms and templates shall be thoroughly cleaned and treated to prevent concrete from adhering thereto and to prevent discoloration of the concrete.

(3) Contraction Joints

- a. Contraction joints shall be spaced in uniform lengths of sections twenty (20) feet maximum, except where shorter sections are required for curves or for closure, but in no case shall lengths be less than four (4) feet.

(4) Removal of Forms

- a. After removal of forms, minor honeycombed areas shall be filled with mortar (1 part cement, two parts fine aggregate).
 - b. Major honeycombed areas shall be considered as defective, removed and replaced.
5. Where a driveway enters a street, the curb shall be made lower for the width of the opening. When curbing is to be removed to construct a driveway, the length of the curbing to be removed shall be carried to the nearest expansion joint. If such a joint is more than 5 feet from the end of the curb removal, the section shall be neatly saw cut. In general, the depressed curb section used for driveways should conform to the Depressed Curb Detail (Exhibit 3).
 6. Curb cut ramps shall be provided at street intersections and at locations as required by the Americans with Disabilities Act of 1990, as most recently amended.
 7. In the event that the requirements for curbing are waived the following may be required:
 - A. Drainage swales of dimensions approved by the Township Engineer shall be provided.
 - B. Shoulders may be required to separate the cartway and the drainage swale.
 - C. Additional right of way may be required to accommodate the shoulder and drainage swale.
 - D. The Township may require that a maintenance agreement be provided and made part of the approved plan whereby the developer agrees that the individual property owner or developer will be responsible for long term maintenance of drainage swale.

503 - SIDEWALKS

1. In any proposed subdivision or land development with an average lot size or area per dwelling unit of fifteen thousand (15,000) square feet or less, or where any subdivision is immediately adjacent to or within one thousand (1000) feet of, any existing or recorded

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subdivision having sidewalks, sidewalks shall be installed on each side of the street in accordance with Township requirements.

2. All materials and construction requirements shall be governed by and subject to these specifications and to those referenced specifications of the Pennsylvania Department of Transportation's Specifications form 408 as amended.
3. The Township may require the installation of sidewalks, at its sole discretion, where in the opinion of the Township pedestrian safety and/or mobility would be better served by the installation of sidewalks. In certain circumstances it may be desirable that an alternative method of pedestrian circulation be substituted for standard sidewalk construction. These alternative methods can include the installation of walking paths, greenways, bike paths, trails, or similar modes of non-vehicular circulation. In these instances the Developer may submit a site plan depicting the location, layout, dimensions and any other criteria deemed necessary by the Township to evaluate the request for an alternative method. The Township shall review the submitted material and determine if the proposed alternative is acceptable.
4. If proposed sidewalk is to replace existing sidewalk, the existing sidewalk shall be removed completely. All debris resulting from this process shall become the property of the contractor and shall be disposed of properly.
5. All ground upon which the sidewalk is to be placed shall be firm, level and free of all rocks, roots, trees, plants, and other material deemed to be deleterious.
6. The plans shall note that perpetual maintenance shall be the responsibility of the property owner.
7. Sidewalk Construction shall be as follows:

A. Materials

- (1) Cement Concrete - All sidewalks shall be constructed of class A Cement Concrete per PennDOT Publication 408.
- (2) Aggregate - Aggregate shall be PA No. 2B stone meeting the requirements of PennDOT Publication 408.
- (3) Expansion Joint Filler - Expansion joint filler shall include pre-molded fillers of cork, cork and rubber, of fiber (resilient bituminous types), meeting the requirements of PennDOT Publication 408. Pre-molded expansion joint filler shall be 1/4 of an inch in thickness.

B. Construction Requirements

(1) Preparation of Foundation

- a. The foundation for the bed shall be formed at a depth of ten (10) inches below and parallel with the finished surface of the sidewalk.
- b. Unsuitable material shall be removed and replaced with approved material.
- c. The foundation shall be thoroughly compacted and finished to a firm, even surface.

(2) Placing of Aggregate for Bed

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- a. The approved aggregate shall be spread on the prepared foundation to form a compacted bed six (6) inches in depth.

(3) Forms

- a. Forms shall be of wood or metal, straight, free from warp and of sufficient strength when staked to resist the pressure of the concrete without springing.
- b. If wood, they shall be nominal two inch (2) planks finished on the inside and the top; or if metal, they shall be of approved section.
- c. Forms shall have a depth equal to the depth of the concrete, and shall be thoroughly cleaned and treated with an approved material, to prevent the concrete from adhering thereto.

(4) Joints

- a. Transverse Dummy joints shall be spaced in uniform lengths of not more than five (5) feet and shall be 1/8 inches wide and one (1) inch deep and may be either hand formed or sawed joints.
- b. Pre-molded expansion joint material shall be cut to conform to the cross sectional area and be placed at structures and at uniform intervals of not more than thirty (30) feet.

(5) Placing Concrete

- a. Concrete shall be four (4) inches in depth, six (6) inches at driveways, and spaded sufficiently to eliminate all voids.
- b. An edger having a quarter (1/4) inch radius shall be used for edging.
- c. Sidewalks shall be sloped towards street at a uniform slope of a quarter (1/4) inch per foot.
- d. Sidewalk shall include welded wire (mesh) fabric reinforcement in locations where subject to traffic (driveways).

(6) Removal of Forms

- a. Side forms shall not be removed within twelve (12) hours after the concrete has been placed.
- b. After removal of the forms, minor honeycombed areas shall be filled with mortar composed of one (1) part cement and two (2) parts fine aggregate.
- c. Major honeycombed areas will be considered as defective work, and shall be removed and replaced.

(7) Curing

- a. The sidewalk shall be cured and protected as specified in Penn DOT Publication 408, with either membrane or water curing.

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(8) Backfilling

- a. After the concrete has cured for not less than seventy-two (72) hours, the spaces adjacent to the sidewalk shall be backfilled with approved material in layers of not more than four (4) inches in depth, which shall be thoroughly compacted to the required elevation and cross section.

504 - SEWAGE DISPOSAL AND WATER SUPPLY SYSTEMS

All sanitary sewer and water supply systems located in any designated floodplain district shall be flood proofed up to the regulatory flood elevation.

504-A - SEWAGE DISPOSAL SYSTEMS

Design, review and approval of sewage disposal systems shall be as outlined in Article IV

1. The type of sewage disposal shall be consistent with the Township's Official Plan for Sewage Facilities (ACT 537 Plan).
2. Where private community systems are to be used, they shall serve as an interim method of disposal until such time that a public system is available.
3. Construction materials and methods of private community system shall be in accordance with the Rules and Regulations of the Township or applicable Municipal Authority, and the Pennsylvania Department of Environmental Protection.
4. All on-site sewage disposal systems shall be installed in accordance with the Rules and Regulations of Highland Township and the Pennsylvania Department of Environmental Protection.
5. In the case of privately owned community systems, prior to approval of a preliminary plan, the developer shall provide an agreement to the Township, which provides for the following:
 - A. Installation of the system in accordance with approved plans.
 - B. Provision of financial surety to cover one hundred and ten percent (110%) of installation costs.
 - C. Municipal inspection of construction.
 - D. Completion and submittal of an as-built drawing.
 - E. Assurance that upon availability of a public system that the development will be connected to the public system.
 - F. Provision for guarantee for long term operation and maintenance in accordance with the requirements of the Township per Chapter 71 of the Pennsylvania Department of Environmental Protection's Rules and Regulations.
6. In the case of community systems that are to be dedicated to the public, construction shall be in accordance with the rules and regulations of the applicable agency or authority.
7. Upon completion of any community sewer system installation, the plan for the system (as built) shall be filed with the Township.
8. All sanitary sewer and water supply systems located in any designated floodplain district shall be flood proofed up to the regulatory flood elevation.
9. In the case of community systems that are to be owned by a HOA or similar entity, all

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documents concerning maintenance, operation and financial obligations shall be submitted to, and approved by, the Township Solicitor.

505 - FIRE PROTECTION

Fire hydrants or other means of fire protection as approved by the Township shall be provided as an integral part of any public or private community water supply system or as a part of any water system to serve an industrial use. The water system shall be of adequate supply and shall be designed to provide pressure adequate for the use of Fire Hydrants or other approved Fire Protection Systems. Water supply shall be adequate for fire flow demands. The following represents minimum fire flow requirements:

District Classification	Minimum Fire Flow	Minimum Duration (Hours)	Maximum Hydrant Spacing
Residential Includes: 1 and 2 family dwellings	500 GPM 1893 L/min	1	660' 202 m
Commercial Includes: all commercial uses, hotels, apartments, multiple residence buildings, schools, and colleges	1,000 GPM 3785 L/min	2	330' 101 m
Industrial	1,500 GPM 5678 L/min	4	330' 101 m

The developer shall be required to prepare and submit all necessary engineering studies to ensure that adequate water pressure and volume will be available. A minimum residual pressure of 20 psi shall be maintained at all times.

1. Fire hydrants shall be installed in accordance with the requirements of the local fire authority. The applicant shall submit proof that the couplings on said hydrants are of a design which is compatible with local fire equipment. Fire hydrants shall conform to the standards of the Township Municipal Authority and the National Fire Protection Association.
2. Fire hydrants shall be placed at intervals of not more than six hundred (600) feet and in locations acceptable to the Township and local Fire Authority.
3. Where deemed necessary, the Township may require submittal of design information for fire protection systems for review and approval. Standards for Fire Protection Systems shall be as specified by the Township.
4. The developer shall obtain written concurrence of the fire protection system from the local fire authority having jurisdiction over the area.

506 - STORM DRAINAGE SYSTEMS AND STORMWATER MANAGEMENT

Construction of storm drainage and stormwater management facilities shall be in accordance with the Township's Stormwater Management Ordinance, as amended.

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507 - EROSION AND SEDIMENTATION CONTROL

All development applications that involve grading or excavation shall conform to the requirements of the Adams County Conservation District or the Pennsylvania Department of Environmental Protection pertaining to erosion and sedimentation control. It shall be the responsibility of the applicant to secure approval of the Adams County Conservation District or the Department of Environmental Protection as is appropriate. Approval of plans by the Township shall not be construed as approval under such regulations. In addition, the construction of erosion and sediment control facilities and land grading shall conform to the standards of this Ordinance.

508 - PROVISION FOR REQUIREMENT OF LANDS FOR RECREATION AND OTHER PUBLIC SITES

1. In the approval of subdivision and land development plans, the Township shall consider the need for appropriately sized recreational facilities and open space.
2. Recreational facilities shall be provided in accordance with Section 414 of this Ordinance.
3. In phased developments, the recreational facilities / areas serving any individual phase shall be bonded and/or constructed prior to issuance of building permits for that phase.

509 - WATER AREAS

In a development abutting a lake, river, or other significant water body, the Board of Supervisors, upon consultation with the Planning Commission, may request the dedication or reservation of any title to the water body the developer may possess beyond the wharf or dock line for public use.

510 - RESERVATIONS

On sites for eventual public acquisition, no building development is permitted during the period of reservation. Said period of time shall not extend more than twelve (12) months without the consent of the developer. Such reservations shall be noted on the Final Plan.

511 - COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF; PREREQUISITE TO FINAL PLAN APPROVAL

511-A - COMPLETION OF IMPROVEMENTS

1. No subdivision and/or land development application shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition, or improved as required by this Ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for Final Plan approval, including improvements or fees required, the developer shall deposit financial security with the Township in an amount sufficient to cover the costs of such

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improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which are or may be required.

2. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the Final Plan contingent upon the developer obtaining a satisfactory financial security. The Final Plan (record plan) shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Supervisors. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the landowner or developer.

511-B - COMPLETION GUARANTEE

1. To satisfy the completion of improvements required as a condition for the final approval of the Subdivision and/or Land Development Plan as set forth in this Ordinance, the landowner or developer shall deposit financial security acceptable to the Board of Supervisors in an amount sufficient to cover the costs of such improvements, estimated, calculated and determined as set forth below.
2. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security.
3. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business with the Commonwealth.
4. Such bond or other security shall provide for, and secure to the public, the completion of any improvements, which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
5. The amount of financial security to be posted the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the landowner or developer. The Township may adjust the amount of the financial security annually, by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment; the Township may require the landowner or developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the landowner or developer in accordance with this subsection.
6. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by a landowner or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good

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cause shown. If the landowner or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer licensed as such in this Commonwealth and chosen mutually by the Township and the landowner or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the landowner or developer.

7. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.
8. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section or stages of development as it finds essential for the protection of any finally approved section of the development.
9. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors who shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plan. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said 45-day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of original amount of the posted security for the aforesaid improvements.
10. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board may require the posting of financial security in the form of a maintenance bond to secure structural integrity improvements of said dedicated improvements as well as the functioning of said dedicated improvements in accordance with the design and specifications as depicted on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said dedicated improvements.
11. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included

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within the financial security as otherwise required by this section.

12. If financial security has been provided in lieu of the completion of improvements required as a condition for the Final Plan approval, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the Final Plan upon actual completion of the improvements depicted upon the approved Final Plan. Moreover, if said financial security has been provided, occupancy permits for any building of buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved Final Plan, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.
13. Failure to complete any construction or development of the proposed subdivision or land development within five (5) years following the approval of a final plan, or when preliminary plan approval precedes final plan approval, the Township shall automatically render the approval of the plat null and void, unless an extension of time has been requested in writing by the applicant and a written approval granted by the Highland Township Board of Supervisors. Further, failure of the applicant to comply with the requirements of Section 508(4) of the "Pennsylvania Municipalities Planning Code, as amended {53 P.S. 10508(4)}, the contents of which are also hereby incorporated herein by reference, shall subject the subdivision or land development to any and all changes in zoning, subdivision and other governing ordinances enacted by the Township subsequent to the date of the initial preliminary plan submission.

511-C - RELEASE FROM IMPROVEMENT BOND

1. When the landowner or developer has completed all of the necessary and appropriate improvements, the landowner or developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the landowner or developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors. Said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
2. The Board of Supervisors shall notify the landowner or developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of the Board of Supervisors with relation thereto.
3. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the landowner or developer shall be released from all liability, pursuant to its performance

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guaranty bond or other security agreement.

4. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the landowner or developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
 5. Nothing herein, however, shall be construed in limitation of the landowner's or developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
 6. Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.
 7. The municipality may prescribe that the applicant shall reimburse the municipality for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipal engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the municipality for comparable services when fees are not reimbursed or otherwise imposed on applicants. The applicant shall not be required to reimburse the governing body for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant.
- A. The Township shall submit to the applicant an itemized bill showing the work performed in connection with the inspection of improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, no later than one hundred (100) days after the date of transmittal of a bill for inspection services, notify the Township that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within one hundred (100) days shall be a waiver of the applicant's right to arbitration of that bill under this section
1. Subsequent to the final release of financial security for completion of improvements for a subdivision or land development or any phase thereof, the Township's consultant shall submit to the Township a bill for inspection services, specifically designated as the final bill, which the governing body shall submit to the applicant. The final bill shall include inspection fees incurred through the release of financial security.
- B. If the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within one hundred (100) days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator. The applicant and professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills

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- the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.
- C. The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.
- D. In the event that the municipality and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the municipal engineer nor any professional engineer who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.
- E. The fee of the arbitrator shall be paid by the applicant if the disputed fee is upheld by the arbitrator. The fee of the arbitrator shall be paid by the charging party if the disputed fee is \$2,500 or greater than the payment decided by the arbitrator. The fee of the arbitrator shall be paid in an equal amount by the applicant and the charging party if the disputed fee is less than \$2,500 of the payment decided by the arbitrator.
- F. In the event that the disputed fees have been paid and the arbitrator finds that the disputed fees are unreasonable or excessive by more than \$10,000, the arbitrator shall:
1. Award the amount of the fees found to be unreasonable or excessive to the party that paid the disputed fee; and
 2. Impose a surcharge of 4% of the amount found as unreasonable or excessive to the party that paid the disputed fee.
- G. A municipality or an applicant shall have 100 days after paying a fee to dispute any fee charged as being unreasonable or excessive.

512 - INSPECTION OF IMPROVEMENTS

1. Construction of all improvements shall be subject to inspection for conformity with this Ordinance and the approved plans.
 - A. Construction of all improvements covered by this Ordinance are subject to inspection by the Township or its authorized representative.
 - B. Where inspection of improvements is required to determine compliance with approved plans, the cost and fees for said inspection shall be paid by the developer in accordance with the fee schedule as adopted by the Township.
 - C. No person shall interfere with or obstruct the ingress or egress to or from any such site or

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premises by an authorized representative or agent of the Township of Highland engaged in the inspection of work for compliance with the approved plans.

513 - AS BUILT PLAN

1. Within forty-five (45) days after completion of improvements and approval of same by the Township, the landowner or developer shall submit to the Board of Supervisors, a set of As Built Plans and profiles in accordance with Section 310. In the event the As Built Plan is not submitted in complete and accurate form, all funds being withheld by means of a completion guarantee shall not be released, until such plan has been satisfactorily completed.
2. The As Built Plan shall be reproducible and drawn to the same scale as the Final Plan, and shall be certified to by an Engineer or Surveyor and approved by the Township Engineer.
3. Said Plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to those set forth in Section 310.

514 - REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

In the event that any improvements which may be required under this Ordinance, or in accordance with the approved Final Plan, the Board of Supervisors is hereby granted the power to enforce the bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing, or making repairs or correction to all the improvements covered by such bond or security, the Board of Supervisors may, at its option, install or repair part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover from the land developer the monies necessary to complete the remainder of the improvements. All of the proceeds whether resulting from the security or from any legal or equitable action brought against the landowner or developer, or both, shall be used solely for the installation of improvements covered by such security, and not for any other municipal purpose.

515 - DEDICATION AND ACCEPTANCE OF IMPROVEMENTS

Upon completion of the construction of improvements in accordance with the approved subdivision and/or land development plan, the following conditions shall apply to any offer of dedication of the same and the acceptance thereof:

1. The Board of Supervisors shall have no obligation to take over and make public any street, or other improvement in or abutting a subdivision and/or land development. If the Board of Supervisors elects to accept an offer of dedication, such acceptance shall not occur unless and until:
 - A. The required improvements, monuments and markers as shown on the approved Subdivision and/or Land Development Plan shall have been certified by the Township Engineer as having been constructed and installed in accordance with the provisions of this Ordinance, and other ordinances, codes, regulations, plans and maps of the Township; and accurately delineated in an As Built Plan.
 - B. A deed or deeds of dedication for all improvements, prepared and executed by the landowner or developer in accordance with this ordinance shall be presented to the Board of Supervisors, together with a certificate from the contractor or contractors evidencing

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the payment of all labor and material costs, and a policy of title insurance insuring the fee title to the said improvements as free and clear of all liens and encumbrances and other objections to the title.

- C. Any offer of a deed of dedication must be accompanied by a maintenance bond and the As Built Plan(s) and shall be submitted at least ninety (90) days prior to the anticipated date for the acceptance of the deed of dedication.
2. The Board of Supervisors shall have no responsibility with respect to any improvements, notwithstanding any public use thereof, unless and until such improvements are accepted for dedication by duly enacting or adopting an Ordinance or Resolution therefore.

516 - MAINTENANCE GUARANTEE

Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors shall require the posting of 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 term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements. Defective improvements include any defect in material or workmanship that was latent in character and not discernible at the time of final inspection or acceptance by the Township and/or any damage to improvements by reason of the settling of ground, base or foundation thereof.

ARTICLE VI

MOBILE HOMES AND MOBILE HOME PARKS

Highland Township Subdivision and Land Development Ordinance

ARTICLE VI - MOBILE HOMES AND MOBILE HOME PARKS

This article contains provisions setting forth minimum standards for:

1. The design, construction, alteration, extension, and maintenance of mobile home parks and related utilities and facilities.
2. Regulations for the erection of single mobile homes.
3. Provisions are included authorizing the issuance of permits for construction, alteration and/or extension of mobile home parks, the licensing of those who operate mobile home parks, the inspection of mobile home parks by authorized Township Officials, and the fixing of penalties for any violation of any provision of this Article.

600 - DEFINITIONS

General definitions in Article II are applicable with the following additional definitions:

1. OPEN SPACE - Land within a mobile home park, not including streets, off-street parking areas, private yard space, and areas set aside for public facilities, which shall be designed and set aside for the use of all residents of the mobile home park. This area shall be identified by separate parcel(s).
2. INTERNAL STREET- A street in a mobile home park privately owned, constructed and maintained, which functions only to provide direct access to individual mobile home lots.
3. LICENSE - Written annual approval, in whatever form, as issued by the Township, authorizing a person to operate and maintain a mobile home park.
4. MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
5. MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.
6. MOBILE HOME PARK - A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.
7. MOBILE HOME STAND - The part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.
8. PERSON - Any individual, firm, trust partnership, public or private association or corporation, or other entity.
9. PLANNING COMMISSION - The Planning Commission of Highland Township.
10. RECREATIONAL VEHICLE - A vehicle which is designed for human occupancy under transient circumstances, such as camping, travel or other recreation, sometimes variously know as a "travel trailer" or a "camping trailer".
11. SCREENING – A year-round vegetative material of substantial height and density designed to buffer two uses from each other.
12. SERVICE OR RECREATIONAL BUILDING - A structure housing operational office, recreational, park maintenance and other facilities built to conform to required local standards.

Highland Township Subdivision and Land Development Ordinance

disapprove the application and transmit the decision in writing to the applicant. A notice of disapproval shall cite the reasons for disapproval.

C. The Mobile Home Permit is not assignable and terminates within two (2) year from the date of issuance, unless the mobile home is installed as prescribed in this Ordinance.

3. MOBILE HOME PARK LICENSE - The following procedure shall apply to all new and expansions of existing mobile home parks.

A. DESIGN PLAN APPROVAL - Any person desiring to establish a new mobile home park or expand an existing mobile home park shall secure approval under the Highland Township Subdivision and Land Development Ordinance prior to applying for a Mobile Home Park License. The Township shall reserve the right to require financial security to guarantee installation of improvements in accordance with Section 516 of the Subdivision and Land Development Ordinance.

B. APPLICATION REQUIREMENTS - All requests for a Mobile Home Park License shall include the following:

- (1) An application for a Mobile Home Park License (see Attachment VI- 2).
- (2) Identification of the Adams County Recorder of Deeds reference numbers for the approved land development plan.
- (3) A filing fee as set by resolution of the Township.
- (4) Copies of the following permits where applicable; Erosion Control Permit, Highway Occupancy Permit, Water Supply Permit, Wastewater Permit(s), and any other Local, State, or Federal Permits.

C. REVIEW PROCEDURES

- (1) The Township shall review the application for compliance with this Ordinance and other applicable ordinances of the Township. The Township may solicit the assistance of the Township Zoning Officer, Engineer, Solicitor, and other municipal officials in order to determine approval, conditional approval or disapproval of the application.
- (2) The Township shall, within sixty (60) days from the receipt of an application, issue a permit or disapprove the application and transmit the decision in writing to the applicant. A notice of disapproval shall cite the reasons for disapproval. A Mobile Home Park Permit shall not be assignable and shall terminate (2) two years following its issuance unless construction is completed or an extension is approved by the Township. The Permit shall authorize construction of the Mobile Home Park.
- (3) Prior to issuance of a Mobile Home Park License, the Township shall inspect finished construction of all improvements to ensure compliance with the approved plans. The cost for review and inspection shall be paid by the Applicant in accordance with the requirements of Article VI of this Ordinance and shall be paid prior to issuance of a License. Following satisfactory inspection of improvements and payment of all License review and inspection fees, a Mobile Home Park License will be issued. The License will be issued within forty-five (45) days following certification of improvements by the Township Engineer. The Township, following

Highland Township Subdivision and Land Development Ordinance

2. Existing mobile home parks shall be required to submit an existing plot plan, drawn to scale, when applying for a Mobile Home Park License renewal. The plot plan shall contain information as required for a final land development plan as it relates to existing features.
3. Any subsequent new construction, alteration, or extension of an existing mobile home park shall comply with the provisions of this Ordinance.
4. Any existing mobile home park which, in the judgment of the Board of Supervisors creates a fire or health hazard shall be required to comply with this Ordinance within a reasonable period of time as determined by the Board of Supervisors.

603 - INSPECTION OF MOBILE HOME PARKS

The Township Supervisors or other authorized Township representative may inspect a mobile home park periodically to determine compliance with this Ordinance. As a result of such inspection, the Township Supervisors, or their delegate, may give notice for any violations of this Ordinance.

604 - DESIGN AND IMPROVEMENT STANDARDS

The location, design, and improvement standards for all mobile home parks shall comply with the following minimum requirements. Site design and improvement standards shall conform to the standards of the Highland Township Zoning Ordinance and the other article of the Highland Township Subdivision and Land Development Ordinance which are not inconsistent with this article.

604-A - SITE DESIGN

1. Site Area - The site area of any mobile home parks shall not be less than thirty (30) contiguous acres. Site area shall exclude all streets and public rights-of-way, recreation areas, flood plains, wetlands, areas of slopes greater than 15%, and common parking areas.
2. Density - The overall density of any mobile home park shall not exceed four (4) dwelling units per acre of the site area. Additionally;
 - A. All lots shall abut and be accessible from an internal street.
 - B. Mobile home lots within the park shall have a minimum area of eight thousand (8,000) square feet and a minimum width of eighty (80) feet frontage (with a maximum of 4 units per acre, or as otherwise required).
 - C. Each mobile home lot shall be improved to provide a mobile home stand and adequate frost free foundation for the placement of the mobile home unit.
3. Buffering - A fifty (50) foot wide buffer yard shall be provided along the entire perimeter of any mobile home park. Within such buffer yard, screening of at least fifteen (15) feet wide shall be provided. Buffer yards shall be naturally landscaped and shall not be used for building, parking, loading or storage purposes. Except for access drives or pedestrian interior walkways permitted by the Township, a buffer yard shall be continuous for the entire length of a property line.
4. Site Location - The location of all mobile home parks shall comply with the following minimum requirements. The parks must be:

Highland Township Subdivision and Land Development Ordinance

including accessory structures attached thereto, and adjoining pavement of a park street, or common parking area or other common areas and structures.

2. Mobile homes shall be located at least fifty (50) feet from any park property line and at least ten (10) feet from any side or rear mobile home lot line.
3. Mobile home parks located adjacent to any industrial or commercial land use shall be required to provide screening (trees, shrubs) along the property boundary line separating the park from such adjacent use.

604-F - BLOCKS

The size and shape of blocks in mobile home parks shall be determined with regard to:

1. Need for convenient access, automotive and pedestrian movement.
2. Providing desirable lot depths for pedestrian interior walkways and easements for utilities to be located within the block.
3. Blocks shall not exceed a maximum length of sixteen hundred (1,600) feet.

604-G - PLACEMENT OF MOBILE HOMES

1. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
2. Construction of Mobile Home Stands – construction and placement of mobile homes shall meet all requirements of the adopted building code and typical recognized industry standards.
 - a. The area of the mobile home stand shall be improved to provide an adequate frost proof foundation for the placement of the mobile home, thereby securing the superstructure against uplift, sliding, or rotation, and in no event shall the mobile home be erected on jacks, loose blocks, or other temporary materials. The mobile home stand shall not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
 - b. The mobile home stand shall be provided with anchors and tie-downs that are approved and installed in accordance with the requirements and specifications of the manufactured home manufacturer.

These anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of twenty-eight hundred (2,800) pounds.

In the event that the Mobile Home is greater than 50' the Township shall reserve the right to increase the number of tie-downs required.

- c. The Applicant shall submit a design including drawings of the Mobile Home stand for review and approval.

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4. A Recreation plan shall be submitted for review and approval.

605 - WATER SUPPLY

605-A - GENERAL REQUIREMENTS

If the mobile home park can be served by the extension of an existing public water supply system of satisfactory quantity, quality and pressure and is within one thousand (1,000) feet of the proposed development, the park shall connect to the Municipal System. The distribution system within the proposed development shall be subject to review and approval in accordance with the provisions of this Ordinance. Where a satisfactory public municipal water supply system is not available, a community water supply system shall be provided in accordance with requirements of Article IV Section 410 of the Subdivision and Land Development Ordinance. The water system design shall be approved by the Pennsylvania Department of Environmental Protection and Highland Township and/or the applicable Municipal Authority.

605-B - DESIGN AND CONSTRUCTION STANDARDS

Water supply and distribution systems shall be designed and constructed in accordance with Township standards and the requirements of Article IV of the Subdivision and Land Development Ordinance. Where there is a conflict between this section and other sections of this Ordinance or other rules and regulations of the Township and/or the applicable municipal authority, the more stringent shall apply. Standards shall also be as recommended by the Township Engineer.

605-C - SOURCE OF SUPPLY

1. The water supply shall be capable of supplying a minimum of four hundred (400) gallons per day per mobile home.
2. The well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source and will not be constructed beneath any sewer line.
3. No well-casings, pumps, pumping machinery or suction pipes shall be placed in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
4. Water supply treatment, if necessary, shall be in accordance with the requirements of the Pennsylvania Department of Environmental Protection.

605-D - WATER STORAGE FACILITIES

All water storage reservoirs shall be covered, watertight and constructed of impervious material. Overflows and vents of such reservoirs shall be effectively screened. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Reservoir overflow pipes shall discharge through an acceptable air gap.

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Systems are not acceptable for mobile home parks.

606-B - DESIGN AND CONSTRUCTION STANDARDS

Sanitary Sewer Systems and Wastewater Treatment Facilities shall be designed and constructed in accordance with Township standards and the requirements of Articles IV and V of the Subdivision and Land Development Ordinance. Where there is a conflict between this section and any other section of this Ordinance or other rules and regulations of the Township and/or the applicable Municipal Authority, the more stringent shall apply. Standards shall also be as recommended by the Township Engineer.

1. INDIVIDUAL SEWER CONNECTIONS

- A. Each mobile home lot shall be provided with at least a four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand so that the sewer connection to the mobile home drain outlet will approximate a vertical position.
- B. The sewer connection shall have a nominal inside diameter of not less than four (4) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. All joints shall be watertight.
- C. All materials used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable; the inner surface shall be smooth.
- D. Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least one-half (½) inch above ground elevation.
- E. If Sanitary Traps are not provided within the individual Mobile Home Unit, it shall be installed in the Sanitary Sewer laterals.

2. SEWER LINES - All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system.

607 – ELECTRICAL AND OTHER WIRE OR CABLE DISTRIBUTION SYSTEM

607-A - GENERAL

Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures equipment and appurtenances which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems. All electrical system materials and installation shall be consistent with the National Electric Code as most recently amended.

607-B - POWER DISTRIBUTION LINES

All power distribution lines shall be installed underground in accordance with the suppliers regulations. All other utilities, such as telephone, community cable television service, etc., shall also be installed underground in accordance with the individual utility's specifications governing such systems.

607-C - INDIVIDUAL ELECTRICAL CONNECTIONS

Highland Township Subdivision and Land Development Ordinance

610 - INSECT AND RODENT CONTROL

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination and other methods of rodent control shall comply with any applicable local, state, and federal regulations.

611 - FUEL SUPPLY AND STORAGE

611-A - NATURAL GAS SYSTEMS

1. Natural gas piping systems when installed in mobile home parks shall be approved by the utility company providing the service.
2. Each mobile home lot provided with piped gas shall have an approved shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

611-B - LIQUEFIED PETROLEUM GAS SYSTEM

1. Liquefied Petroleum Gas Systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with any applicable rules and regulations and shall include the following:
 - A. Systems shall be approved with safety devices to relieve excessive pressure and shall be arranged so that the discharge terminates at a safe location.
 - B. Systems shall have at least one (1) accessible means of shutting off the gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
 - C. All LPG piping outside the mobile home shall be buried and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile home.
 - D. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure unless such installations are specifically approved by the Township.

611-C - FUEL OIL SUPPLY SYSTEMS

1. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with any applicable rules and regulations.
2. All storage tanks shall be protected from physical damage.
3. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shutoff valves located within five (5) inches of storage tank.
4. All fuel storage tanks and cylinders shall be securely placed and under no circumstances located less than five (5) feet from any mobile home exit.

611-D - STORAGE TANK FOUNDATIONS

All fuel tanks, not withstanding the type of fuel, shall at a minimum be provided with a stable

Highland Township Subdivision and Land Development Ordinance

recommendation. The agreement shall be reviewed and approved by the Township prior to final plan approval and shall be recorded with the Final Plan, a copy which shall be on file at the Mobile Home Park and Township Office.

1. Number of pets allowed and other pet restrictions.
2. Speed limits and traffic control within the park.
3. Rent payment provisions and sub-letting policies.
4. Garbage collection schedules.
5. Vehicular ownership and maintenance restrictions.
6. Responsibilities of the tenant regarding behavior, including that of children and visitors.
7. Policies regarding swimming pools, mobile home skirting and other lot improvements required by operator or desired by tenants.
8. Maintenance responsibilities of each tenant.
9. Maintenance and use of common areas (i.e. recreation areas).
10. Requirement that tenant inspect and maintain in adequate operation all gas, electric, and fire protection systems and equipment.

616 - FACILITIES

1. Every mobile home park shall have a structure clearly designated as the office of the mobile home park manager.
2. Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

617 - REMOVAL OF MOBILE HOMES

No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Township without first obtaining a Permit from the Township Tax Collector as required by Act 54, 1969, of the Pennsylvania General Assembly.

Such permit shall be issued upon payment of a fee as required by the fee schedule currently in force in the Township, and any real estate tax assessed against the home and unpaid at the time the permit is requested.

618 - NOTICES AND REVOCATION OF LICENSE

618-A - NOTICES

Whenever the Township Supervisors or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation to the person to whom the permit, and/or certificate and/or License was issued, as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of this state; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance, or any part thereof, and with the regulations adopted

ATTACHMENT VI – 1

APPLICATION FOR MOBILE HOME PERMIT

HIGHLAND TOWNSHIP, ADAMS COUNTY, PA

The undersigned hereby applies for approval under the Highland Township Subdivision and Land Development Ordinance for placement of one (1) mobile home, as described below;

1. Name of Property Owner _____
Address _____
Phone # _____

2. Name of Applicant (if other than Owner) _____
Address _____
Phone # _____

3. Name of Occupant _____
Current Address _____

4. Unit Location _____
Section _____ Lot No. _____

5. Mobile Home Registration Number _____

6. Please attach a Plot Plan containing the items shown on page 2

The undersigned hereby represents that they are authorized to execute this application and that the information provided herein is true and accurate to the best of their knowledge.

Signature

Date

MOBILE HOME PERMIT
Highland Township
Adams County, Pennsylvania

PERMIT NO. _____

The property of _____
located at _____

has received approval for the placement of one (1) mobile home, as described herein, and in accordance with the Highland Township Subdivision and Land Development Ordinance.

Approved by: _____

Date: _____

Expiration Date: _____

ATTACHMENT VI – 2

APPLICATION FOR MOBILE HOME PARK LICENSE
HIGHLAND TOWNSHIP, ADAMS COUNTY, PA

The undersigned hereby applies for approval under the Highland Township Subdivision and Land Development Ordinance for a permit to construct and a license to operate a mobile home park, as described below:

Name of Property Owner _____
Address _____
Phone # (____) _____

Name of Applicant (if other than Owner) _____
Address _____
Phone # (____) _____

Name of Mobile Home Park _____
Location _____

Adams County Recorder of Deeds Mobile Home Park Plan
Book # _____ Page _____

Name of Operator / Manager _____
Address _____
Phone # (____) _____

6. The undersigned hereby acknowledges the following:

- The mobile home park will conform with the rules and regulations stated in the Highland Township Subdivision and Land Development Ordinance, hereinafter referred to as the "Ordinance";
- An easily identifiable and permanent mobile home park office will be provided on-site;
- All mobile home units will be anchored to a mobile home stand, in accordance with the Ordinance;
- Skirting will be installed and hitching removed for all mobile homes, in accordance with the Ordinance;
- The storage, collection, and disposal of refuse in the mobile home park will be managed in accordance with the Ordinance;
- The mobile home park will be kept free of litter, rubbish, and other unprotected flammable materials;

- **Portable, hand operated fire extinguishers will be provided in each community building and mobile home, in accordance with the Ordinance;**
- **The mobile home park manager will consult annually with the appropriate fire company;**
- **The mobile home park will continually maintain in functional condition all facilities, including but not limited to cartways, parking areas, drainage, water supply, sewage disposal, skirting, storage buildings and community buildings;**
- **A register of all occupants will be maintained;**
- **Burning of trash and rubbish will be prohibited;**
- **Mobile homes will not be occupied by a greater number of occupants than which they are designed to accommodate;**
- **Representatives of Highland Township have permission to enter the mobile home park for the purpose of inspecting and investigating conditions relative to the enforcement of this Ordinance.**

Signature

Date

**MOBILE HOME PARK PERMIT TO CONSTRUCT
Highland Township
Adams County, Pennsylvania**

PERMIT NO. _____

**The property of _____
located at _____**

**has received approval for construction of a mobile home park as described herein,
and in accordance with the Highland Township Subdivision and Land Development
Ordinance and approved Final Land Development Plan.**

Approved By: _____

Date: _____

Expiration Date: _____

ARTICLE VII

FEES

Highland Township Subdivision and Land Development Ordinance

ARTICLE VII - FEES

700 - PRELIMINARY PLAN

At the time of filing, the Preliminary Plan shall be accompanied by a check, payable to the Township, in an amount equal to the fee required for consideration of Preliminary Plans set forth in the fee schedule currently in force in the Township. In addition, costs for engineering and legal fees incurred in the consideration of the Plan, shall be paid by the applicant.

701 - FINAL PLAN

At the time of filing, the final Plan shall be accompanied by a check, payable to the Township, in the amount equal to the fee schedule currently in force in the Township. In addition, costs for engineering and legal fees incurred in the consideration of the Plan, shall be paid by the applicant.

702 - FEES FOR REVIEW AND IMPLEMENTATION OF PLAN

1. The landowner or developer shall pay to the Township, and upon invoice rendered by the Township, the actual cost of all reasonable and necessary fees incurred by the Township for the review and report thereon to the Township of all subdivision and/or land development plans by the Township Engineer, Consultants, Township Solicitor and such other professionals as are engaged by the Township to review and evaluate subdivision and/or land development plans. The need for such professionals, and the selection thereof, shall be determined solely by the Board of Supervisors.
2. Review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or Consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultants to the Township when fees are not reimbursed or otherwise imposed on applicants.
3. The Township may require that the developer pay a deposit to cover the cost of engineering and legal review of the plan. If following approval of the plan and satisfaction of any agreements, any portion of such deposit which is unused shall be returned to the developer. If the amount of the deposit is insufficient to cover the cost of such engineering and legal review, the developer may be required to submit additional funds or to reimburse the Township the additional costs for review of the plan, and no plan shall be signed or recorded until fees are paid, or any fee dispute is finally resolved.
 - A. In the event that the Township and the Applicant cannot agree on the amount of review fees which are reasonable and necessary, then the Applicant and the Township shall follow the procedure for dispute resolution as outlined in the Municipalities Planning Code as most recently amended, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.
 - B. Subsequent to a decision on an application, the Township shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the

ARTICLE VIII

MODIFICATIONS

Highland Township Subdivision and Land Development Ordinance

ARTICLE VIII - MODIFICATIONS

800 - MODIFICATIONS

The Board of Supervisors may grant a modification of the requirements of one or more of the provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.

1. Any request for a modification shall be in writing and shall accompany and be a part of the submission of the Plan, Preliminary and/or Final, to which it refers. The request shall state in full the ground and facts of unreasonableness or hardship on which the request is based, the provision(s) of this Ordinance involved, and the exact modification there from which is requested.
2. A record of the action on all modifications from the provisions of this Ordinance shall appear in the official minutes of the Planning Commission and of the Board of Supervisors.
3. No modification shall be granted solely upon proof that the applicant's land would increase in value or that the applicant could use the land more profitably upon grant of the modification.
4. All proposals for modification from the provisions of this Ordinance shall be reviewed and a recommendation made by the Township Planning Commission, whether requested by the developer or deemed necessary by the Board of Supervisors.

ARTICLE IX

**ADMINISTRATION, ENFORCEMENT AND
PENALTIES**

Highland Township Subdivision and Land Development Ordinance

ARTICLE IX - ADMINISTRATION, ENFORCEMENT, AND PENALTIES

900 - ADMINISTRATION

1. The Board of Supervisors shall have the duty and authority for the administration and general enforcement of the provisions of this Ordinance, as specified or implied herein.
2. Permits required by the Township for the erection or alteration of buildings, the installation of sewers or sewage disposal systems, or for other appurtenant improvements to, or use of, the land shall not be issued by the Township official until it has been ascertained that the site for such building, alteration, improvement or use is located in a development approved and publicly recorded in accordance with the provisions of this Ordinance.
3. Such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description as indicated by the approved and recorded Final Plan or other land description acceptable in accordance with the provisions of this Ordinance, and that it is in compliance with all applicable provisions of this Ordinance.
4. The Township land use permit officer shall require that application for land use permits contain all the information necessary to ascertain that, and shall not issue any land use permit until it is determined that, the site and plan for the proposed building, alteration or other improvement is acceptable in accordance with the provisions of this Ordinance.
5. The Township Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all the information necessary for him to ascertain that, and he shall not issue any sewage disposal system permit until he determines that, the site for the proposed system is acceptable in accordance with the provisions of this Ordinance.
6. In addition to other remedies, the Township may institute and maintain appropriate actions by law to in equity to restrain, collect or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
7. A municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - A. The owner of record at the time of such violation.
 - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or

Highland Township Subdivision and Land Development Ordinance

In addition to other remedies, the municipality may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

902 - APPEALS

Decisions made by the Township may be appealed in accordance with the Pennsylvania Municipalities Planning Code.

903 - REPEALER

The existing Subdivision and Land Development Ordinance enacted and ordained by the Board of Supervisors on July 11, 2017, and entitled "Highland Township Subdivision and Land Development Ordinance", Ordinance No.2, and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present Ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall so be ineffective as aforesaid. Then and in that event, the Highland Township Subdivision and Land Development Ordinance, Ordinance No.2, together with its supplements and amendments, would necessarily remain in full force and effect.

904 - SEVERABILITY

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the remaining provision, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of Highland Township that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE X

ENACTMENT

Highland Township Subdivision and Land Development Ordinance

ARTICLE X - ENACTMENT

This Subdivision and Land Development Ordinance shall become effective on July 11, 2017 and shall remain in force until modified, amended, and/or rescinded by the Board of Supervisors of Highland Township, Adams County, Pennsylvania. Enacted and ordained this 11th day of July, 2017.

**HIGHLAND TOWNSHIP
BOARD OF SUPERVISORS**



Craig Rokey

CHAIRMAN



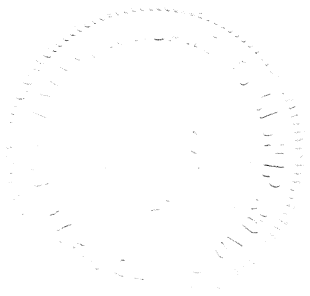
Carl Keller

VICE-CHAIRMAN



Ed Stern

SUPERVISOR



Attest:



Mary Sherman
SECRETARY/TREASURER