

Silver Spring Township

**Subdivision and
Land Development Ordinance**



Cumberland County, PA

**ADOPTED
March 2022**

Formatted for printing: May 2022

**ORDINANCE OF THE BOARD OF SUPERVISORS OF
SLIVER SPRING TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA
ORDINANCE 2022-03**

WHEREAS, the Pennsylvania Municipalities Planning Code, Act of 1968, PL 805, No 247 as reenacted and amended, empowers Townships of the Second Class to plan their development and to govern the same by land development ordinances; and

WHEREAS, the Township of Silver Spring, Cumberland County, last adopted a Subdivision and Land Development Ordinance dated 10-11-1995 by Ord. No. 95-11; as amended through 6-24-2009 by Ord. No. 12-2009, and all related subsequent amendments; and

WHEREAS, the Township considered policies generally consistent with the Silver Spring Township Zoning Ordinance and other Township-wide planning strategies, and

WHEREAS, additions, deletions, and revisions were made to the Subdivision and Land Development Ordinance, and

WHEREAS, the Silver Spring Township Planning Commission held public outreach to gather input and feedback from the public as part of the Subdivision and Land Development Ordinance amendment process; and

WHEREAS, the Silver Spring Township Board of Supervisors held a Public Hearing pursuant to public notice, in accordance with requirements of the Municipalities Planning Code; and


NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Silver Spring Township, in accordance with the Municipalities Planning Code, that the Silver Spring Township Subdivision and Land Development Ordinance is hereby amended as attached hereto as Exhibit "A", and all other inconsistent ordinances or parts of ordinances or laws in conflict therewith are hereby repealed.

DULY ORDAINED AND ENACTED by the Board of Supervisors of Silver Spring Township, Cumberland County, Pennsylvania, this the 23rd day of March 2022.

ATTEST:

BOARD OF SUPERVISORS

TOWNSHIP OF SILVER SPRING



Willetta D. Huth, Secretary



Carl R. Machamer, Chairman

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ARTICLE 1: GENERAL PROVISIONS

SECTION 101 TITLE.

This Ordinance shall be known and may be cited as the “Silver Spring Township Subdivision and Land Development Ordinance of 2022.”

SECTION 102 PURPOSE.

The purpose of this Subdivision and Land Development Ordinance is to provide for the harmonious development of the Township by:

- a) Assisting in the orderly and efficient integration of land developments within the Township.
- b) Ensuring conformance of development plans with the Comprehensive Plan, and other municipal documents.
- c) Ensuring the provision of adequate public facilities including roadways, walkways, water supply, storm and sanitary sewerage facilities, open spaces and other improvements for the public health, safety and welfare.
- d) Ensuring coordination of inter-municipal and intra-municipal public improvement plans and programs.
- e) Securing the protection of water resources, drainage ways and other environmental resources.
- f) Facilitating the safe and efficient movement of traffic.
- g) Securing equitable handling of all development plans by providing uniform standards and procedures.
- h) In general, promoting greater health, safety, and welfare of the citizens of the Township.

SECTION 103 ADOPTION-AUTHORITY.

The Board of Supervisors of Silver Spring Township, Cumberland County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended, hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Silver Spring Township.

The Board of Supervisors shall administer and enforce this Ordinance and does hereby designate the Silver Spring Township Planning Commission as an agency of the Board of Supervisors:

- a) With which applicants may hold all pre-application consultations relating to the plans.
- b) Which makes recommendations to the Board of Supervisors concerning subdivision plans, land development plans and waivers.

SECTION 104 JURISDICTION.

- 104.01 This Ordinance shall apply to all subdivision and/or land development submitted after the effective date of this Ordinance.
- 104.02 From the time an application for approval, whether preliminary or final, is duly filed, as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, other governing ordinance, or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application, as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- 104.03 When an application for approval, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.

Where Final Plan approval is preceded by Preliminary Plan approval, the aforesaid five-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 application for such approval was duly filed.

Where the landowner has substantially completed the required improvements, as depicted upon the Final Plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of governing ordinance or plan enacted subsequent to the date of filing of the Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street or utility location.

In the case of a Preliminary Plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed with the Preliminary Plan delineating all proposed sections, as well as deadlines within which applications for Final Plan approval of each section are intended to be filed. Such schedule shall be updated annually on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the last section has been granted. Any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.

Provided the landowner has not defaulted with regard to or violated any of the conditions of the Preliminary Plan approval, including compliance with the schedule for submission of Final Plans, then the aforesaid protections afforded by substantially completing the improvements depicted upon the Final Plan within five years shall apply and for any

section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period. This extended protection shall apply for an additional term or terms of three years from the date of Final Plan approval for each section.

Failure to adhere to the aforesaid schedule of submission of Final Plans for the various sections shall subject any such section to changes in zoning, subdivision and other governing ordinance enacted by the Township, subsequent to the date of the initial Preliminary Plan submission.

- 104.04 This Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of previous subdivision and land development ordinances of the Township of Silver Spring, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved Preliminary or Final Plan including the installation of all improvements required hereunder, in strict compliance with the requirements of the effective Silver Spring Township Subdivision and Land Development Ordinance.
- 104.05 No subdivision or land development of any lot, tract, or parcel of land in Silver Spring Township shall be affected; no street, sanitary sewer, storm sewer, water main, or other facilities 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 thereon unless and until authorized by this Ordinance.
- 104.06 No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a Final Subdivision or Land Development Plan has been approved by the Board of Supervisors and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.
- 104.07 All subdivision and land development plans are subject to the prevailing Township Zoning Ordinance, and all other applicable ordinances, regulations, and requirements of the Township.

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ARTICLE 2: DEFINITIONS

SECTION 201 GENERAL.

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.

SECTION 202 GENERAL TERMS.

In this Ordinance, when not inconsistent with the context:

- a) Words in the present tense imply also the future tense,
- b) The singular includes the plural,
- c) The male gender includes the female gender,
- d) The term “person” includes an individual, partnership, corporation, unincorporated association, estate, or any other legally recognized entity.
- e) The term “shall” or “must” is always mandatory,
- f) The term “may” is permissive.

SECTION 203 SPECIFIC TERMS.

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public right-of-way street and a single tract of land containing any use other than one single-family dwelling unit or farm.

ACCESS POINT - A public or private point of full ingress and egress for vehicles from a public or private street. This term shall not include access drives or driveways that are strictly and clearly limited or restricted, such as use by only emergency vehicles.

ACREAGE, GROSS - The total land area contained within a property or proposed site.

ACREAGE, NET - The land area contained within a property or proposed site, exclusive of lands within a public or private street right-of-way, or as further specified by provisions within this Ordinance.

AGENT - Any person other than the developer, who acting for the developer submits subdivision and/or land development plans to the Township for the purpose of obtaining approval thereof.

AGRICULTURE - Any use of land or structures for farming, dairying, pasturage, land tilling, horticulture, floriculture, arboriculture or animal or poultry husbandry or as otherwise defined by the Pennsylvania Department of Agriculture and/or the United States Department of Agriculture.

AISLES, PARKING - A private drive intended principally to provide vehicular access within a vehicular parking compound for a non-residential or multi-unit residential land use. Although aisles provide interior vehicular circulation, their principal function is to provide entrance and exit for individual parking spaces. Aisles may not be used to intersect streets.

ALLEY - A strip of land over which there is a private right-of-way intended to provide vehicular access to the side and/or rear of those properties whose frontage is on a public street. An alley is not intended for general traffic circulation.

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for subdivision or land development including his heirs, successors and assigns.

AREAS OF ENVIRONMENTAL SENSITIVITY - Wetlands, flood plain, steep slopes and habitats of endangered species.

BLOCK - A tract of land which is entirely bounded by streets, public parks, cemeteries, railroads, watercourses, or any other barrier to the continuity of development.

BOARD OF SUPERVISORS - The Board of Supervisors of Silver Spring Township, Cumberland County, Pennsylvania.

BUILDING - Any structure, either temporary or permanent, having walls and a roof or other covering designed or used for the shelter or enclosure of any person, animal or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above.

BUILDING AREA - The total area taken on a horizontal plane at the average grade level of the principal structure and all accessory structures, exclusive of uncovered patios, decks, awnings, terraces, and steps.

CARBONATE ROCK - Rock types that are affected by dissolution weathering process caused by slightly acidic groundwater. The most common types of rock that are categorized as carbonate rock are limestone (calcium carbonate and dolomite calcium magnesium carbonate.)

CARTWAY - The surface of a street, access drive, driveway, or alley available for vehicular traffic, including travel lanes and parking lanes but not including curbs, sidewalks or swales.

CAVERN - Interconnected solution features within the bedrock surface.

CLAY LINER - Fine grained soil that is used in the construction of a liner that limits the rate of surface water intrusion into the subsurface.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection defined by a line of sight between points at center lines.

CLOSED DEPRESSION - A bowl-shaped depression in the land surface characterized by internal drainage. A ghost lake is a closed depression which has visible standing water after a heavy rainfall event. A closed depression is also considered a karst feature.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water and designed and intended for the use or enjoyment of township residents, not including streets, off-street parking areas, building areas, parking areas, utility rights-of-way, private yards, required yard setbacks, utility easements, Primary Conservation Areas, sewage treatment and disposal areas, stormwater management facilities, but may include impervious surfaces for bicycle and walking trails.

COMPREHENSIVE PLAN - The most recently adopted version of the Official Comprehensive Plan, Silver Spring Township, Cumberland County, PA, including any amendments.

CONSERVANCY LOT - A large, privately owned and maintained lot, containing an existing dwelling, farm complex, or historic structure, comprising part of the required Greenway land/open space in Resource & Landscape Management Overlay Developments.

CONSERVATION AREA, PRIMARY - Lands containing 100-year floodplain (including the floodway), wetlands, and prohibitive steep slopes (above 25 percent). In Resource & Landscape Management Overlay Developments, all lands containing primary resources are called Primary Conservation Areas.

CONSERVATION AREA, SECONDARY - Lands containing natural or cultural features outside Primary Conservation Areas that are worthy of conservation by inclusion in Greenway land/open space. See a prioritized list of such features in Section 618.03.1 of the Subdivision and Land Development Ordinance. In Resource & Landscape Management Overlay Developments, all lands containing secondary resources are called Secondary Conservation Areas.

CONSTRAINED LAND - Selected resources listed in the Zoning Ordinance, multiplied by a protection factor and totaled.

CURB - The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURB LINE - The outside edge of the cartway.

DBH (DIAMETER AT BREAST HEIGHT) - The diameter of a tree trunk measured 4.5 feet above the ground at the base of the tree. If a tree divides or splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split. The term applies to trees in the field (not nursery stock).

DEDICATION - The deliberate assignment of land by its owner to another party.

DEED - A written instrument whereby an estate in real property is conveyed.

DENSITY - A term used to express the allowable number of dwelling units divided by the gross acreage of a total project area. The term density, when not qualified by *net* or *adjusted tract area*, shall be synonymous with the term *gross density*.

DENSITY, NET - The number of dwelling units permitted divided by net acreage or the area of a project area actually in use or proposed to be used for residential purposes.

DEVELOPER - Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

DRIVEWAY - A cartway designed and constructed to provide vehicular movement between a public street right-of-way and a tract of land serving one single-family dwelling unit or a farm.

EASEMENT - A right-of-way granted for limited use of private land for a public or quasi-public or private purpose, and within which 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.

ENGINEER - A Professional Engineer licensed as such in the Commonwealth of Pennsylvania.

FAULT - A fracture in bedrock along which movement has taken place.

FINE GRAINED SOIL - Materials that predominantly consist of silt and clay size particles.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse, which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source. An area under the jurisdiction of the floodplain zones in the Silver Spring Township Zoning Ordinance, as amended.

FRONT FACADE - The plane of the facade of the building closest to the street right-of-way, excluding stoops, porticos, open colonnades, and open porches.

FRONTAGE - The linear measurement taken along a property's common boundaries with adjoining street rights-of-way, other than a limited access highway.

GARAGE, FRONT LOADED - A garage having its vehicular entry door facing the street.

GARAGE, REAR LOADED - A garage having its vehicular entry door facing an alley or rear lane.

GARAGE, SIDE LOADED - A garage having its vehicular entry door facing the side yard.

GRADE - The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

GREEN, COMMON - An area of Greenway land/open space, surrounded by streets on at least 2 and often 3 or 4 sides, around which dwellings are organized.

GREENWAY LAND - A parcel or parcels of land and/or water, within the Resource and Landscape Management Overlay or Village Overlay Zone, set aside for the protection of natural and cultural resources. Greenway land consists of Primary and Secondary Conservation Areas and is permanently restricted against further development. The terms "Greenway" and "Greenway land" are synonymous.

GROUND SOURCE HEAT PUMP SYSTEM - A well or wells installed for the purpose of heating or cooling. The system can be either closed or open loop.

HAZARDOUS MATERIALS (CHEMICAL OR BIO-HAZARD) - Materials which have the potential to damage health, endanger human life or impair safety, or as otherwise defined and regulated by the PADEP and/or EPA.

HOMEOWNERS ASSOCIATION - A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property. This term is synonymous with property owner’s association.

IMPERMEABLE LINERS - A liner system that reasonably prohibits the infiltration or surface water into the subsurface.

IMPORTANT NATURAL AREAS - Lands containing habitat for flora or fauna identified in the Pennsylvania Natural Diversity Index (PNDI) or in a Cumberland County Natural Areas Inventory.

IMPROVEMENTS SPECIFICATIONS MANUAL - The Manual, or parts thereof, which have been adopted by resolution of the Board of Supervisors, and that constitutes the design and construction standards for improvements located within the Township.

INVASIVE PLANT SPECIES - Predominantly non-native tree, shrub, vine, or herbaceous species that grow or reproduce aggressively, usually because they have few or no natural predators, and which can so dominate that they out- compete many native plant species.

KARST - The terrain that results from the dissolution of carbonate rock.

KARST PROCESS - The dissolution of carbonate rock by slightly acidic groundwater. Dissolution weathering the removal of soluble materials from intact carbonate rock by slightly acidic groundwater.

LAND DEVELOPMENT -

- 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 non-residential 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) However, the following shall not be considered a land development:
 - 1. The conversion of an existing single-family detached or single-family semi-detached dwelling into no more than three residential units, unless such units are intended to be a condominium; or
 - 2. The addition of an accessory structure, including farm buildings, on a lot or lots subordinate to an existing principal structure.
- d) It should be noted that the above exclusions are required to conform with all other applicable ordinances and regulations of the Township.

- e) Determination of whether a project is considered land development or not shall be made solely by the Township.

LAND SURVEYOR - A land surveyor registered in the Commonwealth of Pennsylvania.

LANDOWNER - The legal, beneficial, equitable 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 conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or another person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

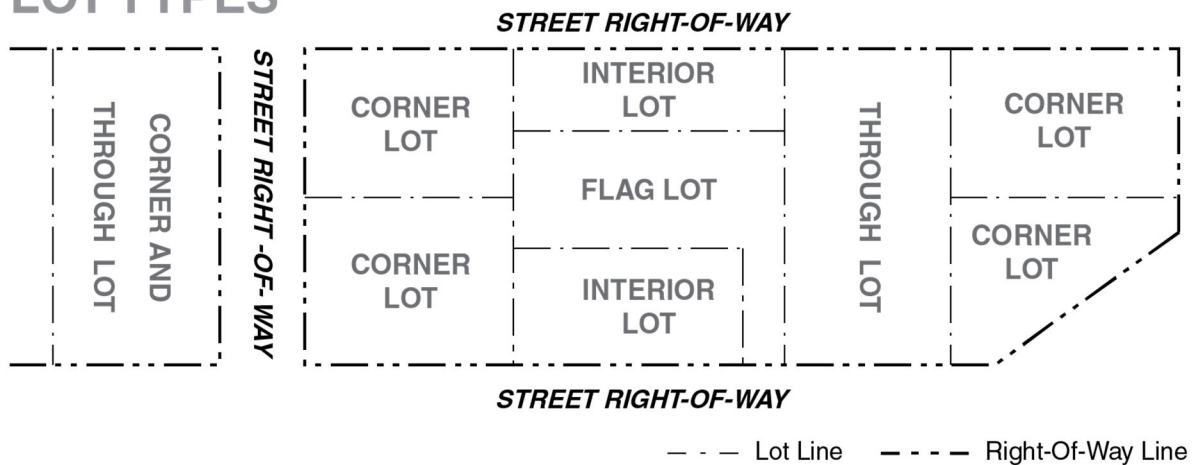
LANDSCAPE ARCHITECT - A landscape architect registered in the Commonwealth of Pennsylvania.

LATERAL - A utility line between a utility main that is located within a utility easement, and the single building which the line serves.

LINEAMENTS - Linear topographic features that locate faults and fractures.

LOT - Any parcel or tract of land intended as a single unit for purposes of ownership, transfer of ownership, use, rent, improvement, or development. The word “lot” includes the word “plot”, “parcel”, or “tract”. Contiguous non-conforming lots of record under single and separate ownership shall be considered one lot for the purposes of this Ordinance. A lot as herein defined may or may not coincide with a lot of record.

LOT TYPES



- Lot, Corner:** A lot, which has an interior angle of less than one hundred thirty-five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five degrees (135°). Corner lots shall have two front yards and two side yards.
- Lot, Flag:** A lot whose frontage does not satisfy the minimum width requirements of the Silver Spring Township Zoning Ordinance, but that does have sufficient lot width at the lot frontage.
- Lot, Interior:** A lot other than a corner lot, the sides of which do not abut a street.

4. **Lot, Through or Reverse Frontage:** An interior lot having frontage on two parallel or approximately parallel streets, with vehicular access solely from the street with lesser volume of traffic.
5. **Lot, Double Frontage** - A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundary of the lot, and vehicular access provided to both streets.

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in the latest version of the Silver Spring Township Mobile Home and Mobile Home Park Ordinance.

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

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

NATURAL FEATURES - Trees, streams, seeps, springs, caves, wetlands, steep slopes and habitats of endangered species.

PARKS - Those facilities designed and used for active and/or passive recreation purposes by the general public, residents of a development or users of non-residential developments, or as otherwise defined within the Silver Spring Township Zoning Ordinance.

PEDESTRIAN EASEMENT - A right-of-way, municipally or privately owned which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

PLAN - The map representing a tract of land including all supplementary data specified in Article 4 of this Ordinance. The following are the types of plans specified by this Ordinance:

- a) **As-Built** - A corrected Final Plan, showing dimensions and locations of all improvements.
- b) **Concept Plan** - An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal for consideration prior to the formal submission of a plan.
- c) **Final Plan** - A subdivision and/or land development plan prepared for official recording as required by statute to define property rights, propose streets and other public improvements.

d) Preliminary Plan - A complete and exact subdivision and/or land development plan, the purpose of which is to authorize the preparation of Final Plans.

PLANNING COMMISSION - The Planning Commission of Silver Spring Township.

PROFESSIONAL CONSULTANTS - Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

PUBLIC GROUNDS - Public parks, playgrounds, open space and other public areas; and sites for school, sewage treatment, refuse disposal and other public owned or operated facilities.

PUBLIC IMPROVEMENT - Any street, street sign, sidewalk, curb, landscaping required by this Ordinance, storm drainage for dedication, sanitary sewer facilities for joint use, water supply facilities for joint use, fire hydrants, and other such improvements required by this Ordinance. The public improvement shall include the improvement, facility, or service area together with its associated site or right-of-way necessary for access.

RECREATION, ACTIVE - Recreation activities, including the facilities used for such activities, that are usually rigorous athletic, and may have an impact on the surrounding neighborhood and environment. Active recreation may include, but is not limited to, individual or team sports, child's play, playground ball, ball courts, swimming pools and recreation events with a large number of participants and/or spectators.

RECREATION, PASSIVE - Recreational activities, including the facilities used for such activities, that are not rigorously athletic. Passive recreation may include, but is not limited to, walking hiking, fishing bird watching, and picnicking.

RECREATION FACILITY - a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreation activities.

RECREATIONAL USE, INDOOR - The use of a building or part thereof for indoor sports such as bowling, tennis, racquetball, squash, indoor basketball, indoor swimming and those sports activities usually conducted indoors, but excluding target shooting or any other activities that create loud noises or may be dangerous or disturbing to surrounding residents or workers.

RECREATIONAL USE, OUTDOOR - A recreational use and associated facilities designed and equipped for the conduct of sports and leisure time activities, including swimming, tennis and other court games, baseball and other field sports, playground and other outdoor activities, but excluding amusement parks; go-carts, dirt bikes or motor-cross tracks; shooting ranges and other activities which generate noise objectionable to a residential or office environment.

RESIDUAL SOIL - Soils derived from the in-place weathering of the underlying bedrock.

RIGHT-OF-WAY - The surface of and space above and below any real property in the Township in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than streets that are owned by the Township. The phrase “in the Right(s)-of-Way” means in, on, over, along, above and/or under the Right(s)-of-Way.

RIPARIAN BUFFER - a vegetated area along a river, stream, creek, rivulets, watercourse and wetlands that serves to buffer the water body from the effects of runoff by providing water quality filtering, bank stability, recharge, rate attenuation and volume reduction and shading of the water body by vegetation.

SCREENING - An assemblage of materials that are arranged so as to block the ground level views between grade and a height of six (6) feet. Suitable screening materials include trees, shrubs, hedges, berms, walls, sight-tight fences, and/or other similar type materials. No wall or fence shall be constructed of plywood, corrugated metal or fiberglass, or sheet metal. Landscape screens must achieve the required visual blockage within two (2) years of installation, after both adjoining parcels are developed.

SINKHOLE - Localized land surface subsidence or collapse due to karst processes. Sinkholes are categorized as solution sinkholes, collapse sinkholes and subsidence sinkholes.

SLOPE - The degree of deviation of a surface from the horizontal. Slope is expressed in a percentage which indicates the rate of elevation change in feet per one hundred (100) feet.

SPRING - Where water flows naturally out of the bedrock or the overlying soil mantle on to the land surface.

STREET - A strip of land over which there is a public or private right-of-way intended to serve as a means of vehicular and/or pedestrian access to and frontage for abutting properties. This term shall also include avenue, boulevard, road, highway, freeway, lane, viaduct and any other customarily similar dedicated. Streets are further classified as follows:

ARTERIAL - a street which provides for inter-community travel connecting population centers and carrying large volumes of traffic at speeds higher than desirable on other types of streets.

COLLECTOR - a street which (1) provides access to a residential land use with a density in excess of three (3) dwelling units per acre, an industrial land use, or a commercial land use and/or serves as the main entrance or circulation street in a sizable development.

CUL-DE-SAC - a street with a single common ingress and egress with a turnaround at the end.

LOCAL - a street which provides access to a residential land use with a density of three (3) or less units per acre or an institutional land use or not classified as either Arterial or Collector.

SERVICE DRIVE OR ALLEY - a minor right-of-way on which no property fronts, which provides the secondary means of access for two or more properties.

STREET GRADE - The elevation of a street along the centerline of the cartway.

STREET LINE (RIGHT-OF-WAY LINE) - A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line.

STREET, PRIVATE - A street not offered for dedication or whose dedication was not accepted by the municipality.

STRUCTURE - Any assembly of materials constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including but not limited to buildings, sheds, cabins, mobile homes and trailers, dams, culverts, roads, railroads, bridges, storage tanks, and signs.

1. **Structure, Accessory:** A structure associated with an accessory use, (e.g., swimming pools, patios, unenclosed decks, antennas, tennis courts, garages, utility shed, etc.). Farm structures not intended for habitation are considered to be accessory structures.
2. **Structure, Principal:** A structure associated with a primary use.

Structures shall not include such things as sandboxes, decorative fountains, swing sets, birdhouses, birdfeeders, mailboxes, and any other similar non-permanent improvements.

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

SWALE - A wide shallow ditch which gathers or carries surface water.

TERMINAL VISTA - The scene terminating the view down a road or street, as at an intersection or on the outside of a curve.

TOWNSHIP - Silver Spring Township, Cumberland County, Pennsylvania.

TOWNSHIP ENGINEER - A duly registered professional engineer, licensed as such by the

Commonwealth of Pennsylvania, employed by the Township or engaged as a consultant thereto.

TOXIC AND/OR BIOLOGICAL OR CHEMICAL HAZARDOUS MATERIALS - Biological species or chemical compounds which are deemed to be toxic or hazardous by the Pennsylvania Department of Environmental Protection.

TRACT AREA, ADJUSTED - The gross tract area minus Primary Conservation Areas as well as any portions of under conservation easement that are restricted from further development.

TRACT AREA, GROSS - The total amount of land contained within the limits of the legally described property lines bounding the tract.

TRAIL - A right-of-way containing a path, either paved or unpaved, for pedestrians, equestrian or bicycle use.

UNIT OF OCCUPANCY - A unit the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be an independent unit within a building or a separate, detached building.

WAIVER - A process for alleviating specific requirements imposed by this Ordinance pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended. Waivers are provided under Sections 305 and 803.

WATERCOURSE - A permanent or intermittent stream, river, brook, creek, channel, or swale, pond, lake, or other body of surface water carrying or holding surface water, whether natural or artificial.

WETLAND - Area with the characteristics of wetland, as defined by either the U. S. Environmental Protection Agency; U. S. Army Corps of Engineers; Pennsylvania Department of Environmental Resources; or the U. S. Soil Conservation Service. Wetland areas are not limited to the locations delineated on wetland maps prepared by the U. S. Fish and Wildlife Service.

ZONING ORDINANCE - The current version of the Silver Spring Township Zoning Ordinance.

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ARTICLE 3: PLAN PROCESSING PROCEDURES

SECTION 301 GENERAL

The procedures set forth in this Article shall be followed for all subdivision and/or land development plans.

The Township Planning Commission, Township Engineer, various Township officials, and County Planning Commission are advisory to the Township Board of Supervisors.

The Pre-Application Review specified in Section 302 is voluntary. Applicants are urged, but not required, to discuss possible development sites and plans with the Township Planning Commission, while the project is at an early stage.

Two (2) mandatory plan processing procedures (Preliminary Plan and Final Plan) are provided in this Article. The magnitude of the project dictates the applicability of each mandatory plan processing procedure. The procedures are sequential. Successful completion of a procedure must be obtained prior to submission under the next procedure. A Preliminary Plan application is required for the following:

- a) Subdivision of land into four (4) or greater lots.
- b) Land development with greater than fifty (50) parking spaces.
- c) Subdivision or land development which includes construction of public improvements as herein defined.

The Preliminary Plan contains detailed design data. Approval of the Preliminary Plan entitles the applicant to submit Final Plans in accordance with the terms of the Preliminary Plan. Subdivision plans creating lots for development must be approved by the Township prior to the filing of an application for Land Development for a lot.

The Final Plan contains detailed design data and guarantees the construction of certain improvements. Approval of the Final Plan concludes with the recording of the plan which authorizes the construction of public/private improvements, and the selling of land.

This Article also includes Waiver provisions in Section 305 which allow the Board of Supervisors to modify provisions of the Ordinance as they apply to a specific project.

SECTION 302 CONCEPT PLAN APPLICATION

302.01 Pre-Application Review (Optional)

Applicants are urged, but not required, to discuss possible development locations, plans, or any related site visits with the Township Planning Commission prior to submission of the Preliminary or Final Plans. The purpose of the pre-application meeting is to afford the applicant an opportunity to receive the advice and assistance of the Township, while the project is at an early stage. Request for a Pre- Application Review shall not constitute formal filing of a plan.

Note: A Concept Plan Review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning Township Ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a later stage, thereby saving the applicant significant money and time.

To aid in the effectiveness of the review, and for the project to appear on the Township Planning Commission agenda with comments available from various Township officials, it is required that a request for a Pre-Application Review include sixteen (16) copies of a Concept Plan, and one application form. The request shall be submitted to the Township representative at the Township Building at least twenty-one (21) days prior to that meeting.

Individuals are permitted to discuss proposals with the Planning Commission without the benefit of a plan. However, the Planning Commission's ability to assist the applicant will be greatly limited.

302.02 Site Tour.

Applicants are very strongly encouraged to cooperate in an on-site tour of the property by Township officials. This site tour should be scheduled as soon as possible after the applicant has provided copies of a map of existing conditions. At best, this would occur after a concept plan has been submitted, but before preliminary plans have been completed.

- 1) This site tour is intended to informally:
 - a) familiarize Township officials with the property's existing features, particularly including natural areas, scenic views and the site's relationship to surrounding areas,
 - b) identify potential site design issues that will need to be addressed, and
 - c) discuss site design concepts, including the general layout of proposed development and Greenway Land.
- 2) Comments made during the site visit shall not be binding upon the Township, and no formal action or recommendation shall be made during the site visit.

SECTION 303 PRELIMINARY PLAN APPLICATION.

- 1) A Preliminary Plan application is required for the following:
 - a) Subdivision of land into four (4) or greater lots whether proposed initially or cumulatively.
 - b) Land development, which proposes phasing of the development, unless otherwise directed by the Board of Supervisors.
 - c) Subdivision, which includes construction of public improvements.

Preliminary Plans shall be submitted to the designated Township representative, at the

Township Building, on any business day. However, Preliminary Plans must be submitted twenty-one (21) days prior to the Township Planning Commission meeting in order to be placed on the agenda.

Applicants are required to submit the appropriate sanitary sewer planning module or exemption request in conjunction with the Preliminary Plan to avoid unnecessary delays in attaining revision or supplement approval prior to the Final Plan stage.

- 2) Any potential requests for modifications are encouraged to be discussed with the Township Planning Commission at the time of the Preliminary Application.

303.01A. Conservation Design Process.

For a development subject to the Resource & Landscape Management Overlay (RLMO) zone, Section 618, Greenway Land Standards, shall apply instead of this Section 303.01.A.

303.01 Application Requirements.

All Preliminary Plan applications shall include the following:

- a) A minimum of sixteen (16) printed copies of the Preliminary Plan, five (5) printed copies of all reports, one (1) digital PDF copy of the Preliminary Plan and of all reports, and notifications and certification which are specified in Section 402. Additional copies of the Preliminary Plan and reports may be required by the Township.
- b) A minimum of ten (10) copies of an executive summary for each required report. These reports may be part of the data which makes up the full Preliminary Plan.
- c) One (1) application form.
- d) Filing fee as set by resolution of the Board of Supervisors (see Fee Schedule available at the Township Building), and the filing fee set forth by the Cumberland County Planning Commission for review of the Plan.

The designated Township representative shall first determine that the Preliminary Plan application is substantially complete in accordance with Section 303.01 a), b), c), and d). This determination does not constitute approval or disapproval of the Plan but is provided to assure the submission of sufficient data for the Board of Supervisors to make a formal action on the Plan. If the application is found to be incomplete, the applicant will be notified in writing that the submitted data does not constitute a formal filing of the Preliminary Plan and specify the deficiencies.

303.02 Distribution.

The designated Township representative shall distribute the Preliminary Plan to the Township Assistant Manager, Township Zoning Officer, Township Engineer, Township Planning Commission, Cumberland County Planning Department, Board of Supervisors

and, if deemed necessary, other officials (e.g., Municipal Authority's engineer, adjacent municipalities, fire department, school board, PennDOT, Soil Conservation Service). The Cumberland County Planning Department requires digital PDF submissions.

303.03 Reviewing Agencies.

The Preliminary Plan is reviewed by the Township Assistant Manager, Township Zoning Officer, Township Engineer, County Planning Commission, and, if deemed necessary, other officials. These reviewers will report their findings to the Township Planning Commission and Board of Supervisors.

The County Planning Commission will be provided with thirty (30) days from the date the application was forwarded to them to transmit their comments on the Plan.

The Preliminary Plan will be placed on the Township Planning Commission agenda for a meeting which is at least twenty-one (21) days following submission. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to answer questions, establish the acceptance of any recommended conditions of approval and determine the intent to avail the application to the below procedure for compliance. If there is no representative at the Planning Commission meeting, the Plan may be recommended for disapproval.

All Plan reviews shall be based upon provisions of this Ordinance, as well as other applicable ordinances. All comments shall cite the provision of the ordinances relied upon or be specifically designated as a suggestion.

In instances in which an application is tabled due to inactivity by the Applicant, the Township reserves the right to consider the application expired, after a thirteen (13) month time period (beginning on the date that the application first appeared on a Township agenda), and require the applicant to submit, in its entirety, a new application.

303.03.1 Compliance with Recommendations of the Township Planning Commission.

In order to avoid the Township Planning Commission's recommendation for disapproval, the applicant is encouraged to comply with the recommendations of the Township Planning Commission. Should the applicant elect to revise the Preliminary Plan in accordance with the recommendations of the Township Planning Commission, sixteen (16) copies of the revised data and one (1) application form shall be submitted to the designated Township representative, at the Township Building, on any business day, at least sixteen (16) days prior to the Township Planning Commission meeting in order to be placed on the agenda. Revised plans will be distributed and reviewed in accordance with Sections 303.02 and 303.03.

To reduce the Township Planning Commission's conditions of approval prior to the Board of Supervisors ruling on the Preliminary Plan, the applicant is encouraged to submit eight (8) copies of the revised data with a letter of transmittal to the designated Township representative, at the Township Building, on any business day, at least five (5) days prior to the Board of Supervisors meeting. The revised plans will be reviewed by the Township staff and a report submitted to the Board of Supervisors.

303.04 Ruling on the Preliminary Plan.

The applicant will be advised of the scheduled meeting for consideration of the Preliminary Plan by the Board of Supervisors. Attendance at the Board of Supervisors meeting by the applicant or authorized agent is mandatory. The applicant or authorized agent must be prepared to:

- a) Display a plan which identifies at least the horizontal location of streets, parking, building, lot layout, water supply, sanitary sewage disposal and other planned features.
- b) Verbally describe the property location and planned features in a presentation of no more than ten (10) minutes.
- c) Establish the acceptance or rejection of any recommendation of the Township Planning Commission, Township Engineer, County Planning Commission or other officials.
- d) Establish the acceptance of any conditions of approval. The acceptance or rejection of the conditions of approval will be entered in the minutes of the Board of Supervisors. If there is no acceptance of conditions of approval, the plan will be disapproved.

The Board of Supervisors shall approve, conditionally approve, or disapprove the Preliminary Plan and shall communicate said decision to the applicant within ninety (90) days following the date of the regular meeting of the Township Planning Commission which follows the date the application was filed, or after a final order of court remanding an application. However, the period shall be measured from a date, which is no greater than thirty (30) days from the application date or the final order of court.

The ruling of the Board of Supervisors shall be in writing, specifically cite any conditions of approval and/or any plan defects, and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. If the Board of Supervisors approves the Preliminary Plan with conditions, the applicant shall, in writing, either accept or reject the conditions and file the acceptance or rejection of the Township administrative offices within fifteen (15) days of receipt of the decision by the applicant. The approval of the Preliminary Plan shall automatically be rescinded and the plan deemed disapproved upon the applicant's failure to accept all conditions of approval.

In the event that any waiver of requirements from this Ordinance is deemed necessary by the Board of Supervisors, the waiver and the reasons for its necessity shall be entered in the minutes of the Board of Supervisors.

When the Preliminary Plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and, in each case, cite the provisions of the Ordinance.

Approval of the Preliminary Plan entitles the applicant to Final Plan approval, in

accordance with the terms of the Preliminary Plan, conditions of Preliminary Plan approval and Final Plan requirements. Preliminary approval binds the applicant to the Plan as approved. The Final Plan shall be substantially consistent with the approved Preliminary Plan. Preliminary approval does not authorize the recording, sale or transfer of lots, nor shall this Plan be recorded in the office of the Cumberland County Recorder of Deeds.

Preliminary approval shall expire within five (5) years after being granted unless an extension is requested by the applicant and approved by the Board of Supervisors. Requests for extensions shall be submitted to the Township at least thirty-one (31) days prior to any prevailing expiration date.

303.05 Compliance with Conditions of Approval.

If the Board of Supervisors conditions its Preliminary Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on ten (10) copies to be submitted to the designated Township representative. The applicant is encouraged, but not required, to include a brief written descriptive narrative on the submitted data. The conditions of approval must be satisfied to obtain Preliminary Plan approval.

Compliance with the conditions of Preliminary Plan approval must be attained within one (1) year of the Board of Supervisors ruling on the Plan (see Section 303.04), unless an extension is requested in writing by the applicant and granted by the Board of Supervisors. Preliminary Plans which have not complied with the conditions of approval within the above time frame shall be considered disapproved.

At the option of the applicant, and upon receipt of an unconditional Preliminary Plan approval, a Preliminary Plan may be presented to the Township for signature. (See Appendix No. 3 and 4 for certificate.)

303.06 Review Fees.

Review fees for the reasonable and necessary charges for the Township Professional Consultants to review and report on the Preliminary Plan shall be paid by the applicant. Such review fees shall be established by resolution of the Board of Supervisors and shall be reasonable and not more than the total rate of compensation paid by the Township to the respective Township Professional Consultants. The Township, in its discretion, may require the applicant to establish an interest-bearing escrow account with the Township to pay review fees or bill the applicant on a monthly basis for the review fees.

If the Township elects to require the applicant to establish an interest-bearing escrow account, the initial amount to be deposited in the escrow account shall be determined by the Township based upon an estimate by the Township Professional Consultants. The Township shall provide notice to the applicant each time a payment is made from the escrow account for review fees, which shall include the amount of the payment and the services for which the payment was made. If necessary to cover the cost of review fees, the applicant shall deposit additional funds in the escrow account upon request by the Township. Once all review fees have been paid, any funds remaining the escrow account

shall be refunded to the applicant.

If the Township elects to bill the applicant for review fees, the Township shall provide bills to the applicant for review fees, as referenced above, on a monthly basis. The bills for review fees shall be due and payable within thirty (30) days of the date of the bill.

The Board of Supervisors shall require, as a condition of Preliminary Plan approval, that the applicant provide payment to the Township for any outstanding review fees. In the event that an applicant fails to provide payment to the Township for review fees in accordance with the bills for review fees, then:

- a) The Township shall not authorize the continued review of the Preliminary Plan by the Township Professional Consultants; and/or
- b) The Board of Supervisors shall act to deny the Preliminary Plan.

In the event the applicant disputes the amount of any such review fees, the applicant shall no later than forty-five (45) days after the date of transmittal of the bill or notice to the applicant, notify the Township and the Township's Professional Consultant that such fees are disputed and shall explain the basis of the applicant's objections to the fees charged. The Township shall not delay or disapprove the Preliminary Plan due to the applicant's dispute over fees. Failure of the applicant to dispute a bill or notice within forty-five (45) days shall be a waiver of the applicant's right to arbitration of that bill under Section 510(g) of the Municipalities Planning Code.

In the event the Township, the Township's Professional Consultant and the applicant cannot agree on the amount of the review fees, which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in Section 510(g) of the Municipalities Planning Code, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the Professional Consultant whose fees are being disputed.

Subsequent to a decision on the preliminary plan, the Board of Supervisors shall submit to the applicant an itemized bill or notice for review fees, specifically designated as a final bill or notice. The final bill or notice shall include all review fees incurred at least through the date of the decision on the preliminary plan. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill or notice.

SECTION 304 FINAL PLAN APPLICATION.

A Final Plan application is required for all subdivision and land development plans. When a Preliminary Plan application is required, in accordance with Section 303, an application for Final Plan approval can be submitted only after obtaining Preliminary Plan approval.

The Final Plan shall be substantially consistent with the Preliminary Plan. The Final Plan may include sections of an approved Preliminary Plan provided each section independently conforms to the Ordinance, regulations, and other standards of the Township, and includes

a reasonable portion of the Preliminary Plan.

Final Plans shall be submitted to the designated Township representative at the Township Building, on any business day. However, Final Plans must be submitted twenty-one (21) days prior to the Township Planning Commission meeting in order to be placed on the agenda.

304.01 Application Requirement.

All Final Plan applications shall include the following:

- a) A minimum of sixteen (16) printed copies of the Final Plan, five (5) printed copies of all reports, one (1) digital PDF copy of the Final Plan and of all reports, and notifications and certificates which are specified in Section 403. Additional copies of the Final Plan and reports may be required by the Township.
- b) A minimum of ten (10) copies of an executive summary for each required report. These reports may be part of the data which makes up the full Final Plan.
- c) One (1) application form.
- d) Filing fee as set by resolution of the Board of Supervisors (see Fee Schedule available at the Township Building), and the fees set forth by Cumberland County for Planning Commission review and the recording of the Plan.

The designated Township representative shall first determine that the Final Plan application is substantially complete in accordance with Section 304.01 a), b), c), and d). This determination does not constitute approval or disapproval of the Plan but is provided to assure the submission of sufficient data for the Township Board of Supervisors to make a formal action on the Plan. If the application is found to be incomplete, the applicant will be notified in writing that the submitted data does not constitute a formal filing of the Final Plan and specify the deficiencies.

304.02 Distribution.

The designated Township representative shall distribute one (1) copy of the Final Plan to the Township Assistant Manager, Township Zoning Officer, Township Engineer, Township Planning Commission, Cumberland County Planning Department, Board of Supervisors and, if deemed necessary, other officials (e.g., Municipal Authority's engineer, adjacent municipalities, fire department, school board, PennDOT, Soil Conservation Service, etc.). The Cumberland County Planning Department requires digital PDF submissions.

304.03 Reviewing Agencies.

The Final Plan is reviewed by assigned Township staff. These reviewers will report their findings to the Township Planning Commission and Board of Supervisors.

The County Planning Commission will be provided with thirty (30) days from the date the

application was forwarded to them to transmit their comments on the Plan.

The Final Plan will be placed on the Township Planning Commission agenda for a meeting which is at least twenty-one (21) days following submission. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to answer questions, establish the acceptance of any recommended conditions of approval and determine the intent to avail the application to the below procedure for compliance. If there is no representative at the Planning Commission meeting, the Plan may be recommended for disapproval.

All Plan reviews shall be based upon provisions of this Ordinance, as well as other applicable ordinances. All comments shall cite the provision of the ordinances relied upon or be specifically designated as a suggestion.

304.03.1 Compliance with Recommendations of the Township Planning Commission.

In order to avoid the Township Planning Commission's recommendation for disapproval, the applicant is encouraged to comply with the recommendations of the Township Planning Commission. Should the applicant elect to revise the Final Plan in accordance with the recommendations of the Township Planning Commission, sixteen (16) copies of the revised data and one (1) application form shall be submitted to the designated Township representative, at the Township Building, on any business day, at least sixteen (16) days prior to the Township Planning Commission meeting in order to be placed on the agenda. Revised plans will be distributed and reviewed in accordance with Sections 304.02 and 304.03.

To reduce the Township Planning Commission's conditions of approval prior to the Board of Supervisors ruling on the Final Plan, the applicant is encouraged to submit eight (8) copies of the revised data with a letter of transmittal to the designated Township representative, at the Township Building, on any business day, at least five (5) days prior to the Board of Supervisors meeting. The revised plans will be reviewed by the Township staff and a report submitted to the Board of Supervisors.

304.04 Ruling on the Final Plan.

The applicant will be advised of the scheduled meeting for consideration of the Final Plan by the Board of Supervisors. Attendance at the Board of Supervisors meeting by the applicant or authorized agent is mandatory. The applicant or authorized agent must be prepared to:

- a) Display a plan which identifies at least the proposed streets, parking, building, lot layout, water supply, sanitary sewage disposal and other planned features.
- b) Verbally describe the property location and planned features in a presentation of no more than ten (10) minutes.
- c) Establish the acceptance or rejection of any recommendation of the Township Planning Commission, Township Engineer, County Planning Commission or other officials.

- d) Establish the acceptance of any conditions of approval. The acceptance or rejection of the conditions of approval will be entered in the minutes of the Board of Supervisors. If there is no acceptance of conditions of approval, the Plan will be disapproved.

The Board of Supervisors shall approve, conditionally approve, or disapprove the Final Plan and shall communicate said decision to the applicant within ninety (90) days following the date of the regular meeting of the Township Planning Commission which follows the date the application was filed, or

after a final order of court remanding an application. However, the period shall be measured from a date, which is no greater than thirty (30) days from the application date or the final order of court.

The ruling of the Board of Supervisors shall be in writing, specifically cite any conditions of approval and/or any plan defects and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. If the Board of Supervisors approves the Final Plan with conditions, the applicant shall, in writing, either accept or reject the conditions and file the acceptance or rejection in the Township administrative offices within fifteen (15) days of receipt of the decision by the applicant. The approval of the Final Plan shall automatically be rescinded and the plan deemed disapproved upon the applicant's failure to accept all conditions of approval.

In the event that any waiver of requirements from this Ordinance is deemed necessary by the Board of Supervisors, action on the waiver shall be entered in the minutes of the Board of Supervisors.

When the Final Plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance.

When requested by the applicant, in order to facilitate financing, the Board of Supervisors shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining financial security in a form satisfactory to the Board of Supervisors. The resolution's contingent approval shall expire and be deemed to be revoked if the Financial Security Agreement is not executed within ninety (90) days, unless an extension is requested in writing by the applicant and granted by the Board of Supervisors.

No Final Plan will receive approval by the Board of Supervisors unless the applicant has completed all required public improvements, in accordance with the procedures provided in Section 503 of this Ordinance, or has filed with the Board of Supervisors an improvement guarantee in the manner prescribed in Article 5.

304.05 Compliance with Conditions of Approval.

If the Board of Supervisors conditions its Final Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or

alterations noted on ten (10) copies to be submitted to the designated Township representative. The applicant is encouraged, but not required, to include a brief written descriptive narrative on the submitted data. The conditions of approval must be satisfied to obtain Final Plan approval.

If the Board of Supervisors conditions its Final Plan approval upon receipt of an improvement guarantee, the applicant shall follow either the financial security provision in Section 502 of this Ordinance, or the provision for installation of public improvements specified in Section 503 of this Ordinance.

304.06 Final Plan Certification.

After approval of the Final Plan, the applicant shall present to the Township seven (7) copies of the Final Plan. Upon payment of any outstanding plan review fee or inspection fee, the Final Plans shall be signed by the Township Planning Commission, the Township Engineer, and the Board of Supervisors (see Appendix Nos. 3 and 5). The Township shall submit the copies of the Plan to the Cumberland County Planning Commission for signatures and the Office of the Cumberland County Recorder of Deeds for recording. Two (2) copies will be retained by the Recorder of Deeds, and three (3) copies will be retained by the Township. All final plans as recorded shall be submitted in an electronic format to be determined by the Township.

304.06.1 The Final Plan shall be filed with the Cumberland County Recorder of Deeds within ninety (90) days of the Board of Supervisors' certification of approval. No lot may be sold and/or construction initiated until the Final Plan is filed with the Cumberland County Recorder of Deeds. It should be noted that the Township will not issue further approvals or permits until the recordation of the plan.

304.06.2 Recording of the Final Plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon unless reserved by the landowner as hereinafter provided. The approval of the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated street, or public use, until the Board of Supervisors shall have accepted the same by the prevailing procedures of the Township. Any improvements identified for public use or proposed for dedication shall be maintained in good and workmanlike condition by the owner. Repairs and/or replacements to these improvements may be required at the sole discretion of the Township Engineer to return them to like-new condition upon use by the public or at the time of offering for dedication.

304.06.3 If the Final Plan includes a notation to the effect that there is no offer of dedication to the public of common use areas, the title to such areas shall remain with the owner, their heirs and assigns, and the Township shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the Final Plan.

304.07 Review Fees.

Review fees for the reasonable and necessary charges for the Township Professional Consultants to review and report on the Final Plan shall be paid by the applicant. Such

review fees shall be established by resolution of the Board of Supervisors and shall be reasonable and not more than the total rate of compensation paid by the Township to the respective Township Professional Consultants. The Township, in its discretion, may require the applicant to establish an interest-bearing escrow account with the Township to pay review fees or bill the applicant on a monthly basis for the review fees.

If the Township elects to require the applicant to establish an interest-bearing escrow account, the initial amount to be deposited in the escrow account shall be determined by the Township based upon an estimate by the Township Professional Consultants. The Township shall provide notice to the applicant each time a payment is made from the escrow account for review fees, which shall include the amount of the payment and the services for which the payment was made. If necessary to cover the cost of review fees, the applicant shall deposit additional funds in the escrow account upon request by the Township. Once all review fees have been paid, any funds remaining the escrow account shall be refunded to the applicant.

If the Township elects to bill the applicant for review fees, the Township shall provide bills to the applicant for review fees, as referenced above, on a monthly basis. The bills for review fees shall be due and payable within thirty (30) days of the date of the bill.

The Board of Supervisors shall require, as a condition of Final Plan approval, that the applicant provide payment to the Township for any outstanding review fees. In the event that an applicant fails to provide payment to the Township for review fees in accordance with the bills for review fees, then:

- a) The Township shall not authorize the continued review of the Final Plan by the Township Professional Consultants; and/or
- b) The Board of Supervisors shall act to deny the Final Plan.

In the event the applicant disputes the amount of any such review fees, the applicant shall no later than forty-five (45) days after the date of transmittal of the bill or notice to the applicant, notify the Township and the Township's Professional Consultant that such fees are disputed and shall explain the basis of the applicant's objections to the fees charged. The Township shall not delay or disapprove the Final Plan due to the applicant's dispute over fees. Failure of the applicant to dispute a bill or notice within forty-five (45) days shall be a waiver of the applicant's right to arbitration of that bill under Section 510(g) of the Municipalities Planning Code.

In the event the Township, the Township's Professional Consultant and the applicant cannot agree on the amount of the review fees, which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in Section 510(g) of the Municipalities Planning Code, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the Professional Consultant whose fees are being disputed.

Subsequent to a decision on the Final plan, the Board of Supervisors shall submit to the

applicant an itemized bill or notice for review fees, specifically designated as a final bill or notice. The final bill or notice shall include all review fees incurred at least through the date of the decision on the Final plan. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill or notice.

304.08 Notification of Adjacent Residents

After approval of the Final Plan, the Applicant shall notify the residents of properties adjacent to the development via letter at least seven (7) days prior to the start of construction. Such correspondence shall contain the following information: start date and basic timeline of project construction as well as the contact of a project representative with whom residents may submit project-related inquiries.

SECTION 305 WAIVER REQUEST.

The Board of Supervisors may waive any mandatory provision of these regulations to the benefit of the applicant provided the majority of a quorum of the Board of Supervisors present at a scheduled public meeting, determines that the waiver:

- a) Is consistent with the purpose of the Ordinance as described in Section 102,
- b) Will remove or reduce an unreasonable standard, or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results, and,
- c) Provides for reasonable utilization of the property while securing the public interest.

It shall be the burden of the applicant to demonstrate compliance with the above conditions.

305.01 Waiver Application.

Notwithstanding the ability of the Board of Supervisors to independently consider a waiver, all requests for waivers which are desired by the applicant shall be submitted to the designated Township representative, at the Township Building, on any business day. A waiver request shall include twelve (12) copies of all applicable plans, reports, and supplementary data, and one (1) application form. If this information was filed with a Concept Plan, Preliminary Plan or Final Plan, additional copies need not be submitted.

305.02 Distribution.

One (1) copy of the waiver request will be distributed to the Township Assistant Manager, Township Planning Commission, Township Zoning Officer, Township Engineer, Board of Supervisors and, if necessary, other officials.

305.03 Review of the Waiver.

The waiver is reviewed by the Township staff and Planning Commission. Recommendations are forwarded to the Board of Supervisors.

305.04 Ruling on the Waiver.

The Board of Supervisors shall have the authority to approve or disapprove the waiver. In granting any waiver, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

Action on the waiver shall be entered in the minutes of the Board of Supervisors and forwarded to the applicant. Failure of the Board of Supervisors to render a decision and communicate it to the applicant as described herein shall not be deemed approval of the waiver.

305.05 Modification of Requirements for Resource & Landscape Management Overlay Developments.

- a) In addition to the authority granted in the above subsections, the Board of Supervisors shall have the authority to modify specific requirements of this Ordinance for an application approved as a Resource & Landscape Management Overlay Development under the Zoning Ordinance in any of the following cases:
 - 1) To result in a higher quality site design, including a design that is more pedestrian-friendly, encourages lower speed traffic on residential streets and/or promotes patterns of development similar to traditional villages.
 - 2) To minimize adverse impacts upon important natural features, scenic views and historic buildings.
- b) Allowed Modifications. A modification under this Section 305.05 shall not be primarily intended to result in the allowance of a higher number of lots/dwelling units on a tract than would otherwise be possible. A modification under this Section 305.05 may include, but is not limited to, the following:
 - 1) Reduction in the minimum horizontal curve radius of streets to promote lower-speed traffic.
 - 2) Variations in the design of cul-de-sac street ends.
 - 3) Reduction of street cartway widths and provisions for alleys to provide rear access to properties, considering the expected traffic volumes, on-street parking and traffic speeds.
 - 4) Allowance of roadside drainage swales without curbing where curbing is not necessary for storm water management reasons.
 - 5) Variations in landscaping and buffer yard requirements that still achieve a similar effect to what would otherwise be required.

- 6) Allowance of shared driveways where necessary to minimize impacts upon natural resources and to manage traffic access onto through-streets.
 - 7) Allowance of flag lots where necessary to minimize impacts upon natural resources, in conformance with Section 605.04.7 of this Ordinance. Where a flag lot is approved under this Section in a Resource & Landscape Management Overlay Development, the minimum lot width may be met at the proposed front yard building setback instead of the minimum front yard setback line.
- c) Deferral of Submission Requirements. For an application for a Resource & Landscape Management Overlay Development, an applicant may defer the submittal of the following specific detailed engineering information until the Final Plan submission if the applicant commits to not construct any improvements, conduct substantial grading nor remove forested areas until after Final Plan approval. This provision shall not restrict routine soil testing.
- 1) The applicant shall submit a written list of the information that is proposed to be deferred and the draft text of an agreement to carry out this subsection. The agreement shall be in a legally binding document that is acceptable to the Township Solicitor. The list of information that is deferred shall require written approval by the Planning Commission but shall not require approval by the Board of Supervisors. The agreement shall be prepared in a manner that is binding upon all of the applicant's heirs, successors and assignees.
 - 2) The applicant shall be required to show that the proposed development would be feasible. This deferral of submission requirements may include: detailed road profiles (except that the applicant shall be required to show that slope requirements will be met), road data, detailed utility profiles, detailed grading plans, final storm water calculations and improvement construction details.
 - 3) In place of submitting this information at the Preliminary Plan stage, an applicant shall submit sufficient information at the Preliminary Plan stage to prove the feasibility of proposed development. The Township Engineer, Planning Commission or Board of Supervisors may require that specific information be provided to show this feasibility. This shall include proving the ability of all Final Plan stages to fully function in a coordinated manner, even if all stages are not completed.

SECTION 306 MASTER PLAN.

In instances where the Township's Zoning Ordinance requires a Master Plan to be submitted, such a Master Plan shall include the following elements:

- a. An existing features plan shall be submitted, in accordance with the requirements of this Ordinance, which shall indicate the tract size, outbound of the site, topography, wetland, woodland, floodplains, recorded easements and right-of-way and any other significant physical or man-made features existing on the site.

- b. The Master Plan shall specify those areas within the site that are to be developed for only residential uses, areas to be developed for only commercial uses, and areas to be developed as mixed-use. All plans shall provide the proposed number of dwelling units and proposed non-residential square footage. The Master Plan shall also schematically depict proposed buildings and uses of buildings. This Master Plan shall provide the general architectural styles for the proposed development.
- c. The Master Plan shall include a schematic layout of any proposed streets or drives within the site.
- d. The Master Plan shall depict existing and proposed streets or access drives between the site and adjoining public streets.
- e. The Master Plan shall include a conceptual utility plan that depicts the proposed location of the sanitary sewer lines, waterlines, stormwater facilities, along with a narrative indicating the feasibility of such facilities.

ARTICLE 4:
INFORMATION TO BE SHOWN ON OR SUBMITTED WITH
SUBDIVISION AND LAND DEVELOPMENT PLANS

SECTION 401 **CONCEPT PLAN.**

The applicant may submit whatever information he deems useful. However, to facilitate the fullest possible response from the Planning Commission, the applicant is encouraged to submit the information listed below.

- a. An Existing Resources/Site Analysis Plan (ER/SA) as set forth in Section 402.03. For the purposes of the Concept Plan, topography may be taken from U.S.G.S. maps; wetlands may be taken from maps published by the U.S. Fish and Wildlife Service or the U.S.D.A. Natural Resources Conservation Service; and woodlands may be taken from aerial photograph.
- b. A Site Location and Identification Map as set forth in Section 402.02.
- c. An aerial photograph with property lines indicated. The conceptual layout may be imposed on the aerial photograph.
- d. Zoning information including applicable district, lot area and bulk regulations, Adjusted Tract Area calculations, density and Greenway land requirements, including proposed development data.
- e. A schematic layout indicating a general concept for land conservation and development, at the same scale as the ER/SA Plan. The Concept Plan may be prepared as a simple overlay on top of the ER/SA Plan.
 - i. In the case of land developments, locations of proposed buildings and major structures, parking lots and other improvements.
 - ii. In the case of Resource & Landscape Management Overlay Developments a schematic layout indicating conformance with the Four-Step Design Process set forth in Section 618 of this Ordinance.
- f. Streets on and adjacent to the tract.
- g. General description of proposed method of water supply, sewage disposal, and stormwater management.
- h. A statement indicating that the Concept Plan is a schematic drawing, not intended for construction purposes.
- i. Drafting standards set forth in Sections 402.01 shall be met.

SECTION 402 PRELIMINARY PLANS.

Preliminary plans shall be prepared by an engineer, land surveyor, and/or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. The plan shall bear the seal and signature of such registered professionals, licensed in Pennsylvania. Metes and bounds descriptions shall be prepared by land surveyors, and designs which entail engineering shall be prepared by registered engineers with appropriate expertise. The Preliminary Plan shall show, be accompanied by, or be prepared in accordance with the following:

402.01 Drafting Standards.

402.02.1 The Plan shall be drafted at a clear and legible scale.

402.02.2 Dimensions for the entire tract boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction. The description shall be based upon a survey and not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

402.02.3 The sheet size shall be twenty-four by thirty-six inches (24" x 36"). If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).

402.02.4 Plans shall be legible in every detail to the satisfaction of the Township.

402.02.5 All profile sheets shall include the corresponding horizontal alignment. Utilities and storm water facilities located in a given area shall be provided on the same sheet to show their interrelationship. All Plan information shall be provided in an easy to read format. Applicants are encouraged to follow the standard plan format provided in Appendix No. 6.

402.02 Location and Identification.

A Location Map showing the location of the proposed subdivision or land development, within its neighborhood context, shall be submitted with the information in below:

402.02.1 The proposed project name or identifying title.

402.02.2 The municipality in which the project is to be located. If the tract of land is located in the vicinity of a municipal boundary line, the location of the boundary shall be shown.

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- 402.02.3 A location map, drawn to scale, relating the property to at least two (2) intersections of existing road centerlines.
- 402.02.4 The name, address, telephone, and email of the owner, authorized agent of the tract, developer, and firm that prepared the plans.
- 402.02.5 Source of title to the land included within the subject application, as shown in the office of the Cumberland County Recorder of Deeds. If equitable owner, the name, address and reference to the equity agreement.
- 402.02.6 The map and lot number assigned to the property by the Cumberland County Tax Assessment Office.
- 402.02.7 The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
- 402.02.8 A north arrow, a graphic scale, and a written scale.
- 402.02.9 The total acreage, including the Adjusted Tract Acreage, of the entire existing tract.
- 402.02.10 A statement on the plan identifying the Zoning Ordinance district for the subject property and surrounding land. Additionally, the lot size and/or density, lot coverage, building coverage, and yard requirements of the Zoning Ordinance shall be identified for the subject property.
- 402.02.11 A statement on the plan identifying any existing waivers, variances, special exception, conditional use, and existing non-conforming structures/uses.

402.03 Existing Resources and Site Analysis (ER/SA).

For all subdivisions and land developments, the following items shall be identified within the plan set for both the proposed development site and land within 500 feet of the site. Conditions beyond the tract boundaries may be described based on existing published data available from governmental agencies, and from aerial photographs.

402.03.1 Existing Natural Features

- a) A vertical aerial photograph at a scale that matches the scale of the ER/SA Plan, with property lines shown.
- b) Existing contours, at a minimum vertical interval of two (2) feet for land with average natural slope of four percent (4%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours shall be

accompanied by the location of the benchmark within or immediately adjacent to the subject tract and a notation indicating the datum used. Contours plotted from the United States Geodetic Survey may only be used for subdivision plans, which require no new streets or other public improvement. Unless required by the Planning Commission for site evaluation, contour data is not necessary beyond the subject property. The United States Geodetic Survey shall be used for benchmark datum. This information is not subject to recording with the Cumberland County Recorder of Deeds.

- c) The location and delineation of wetlands, ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains.
- d) Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, specimen trees, the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age, and condition. For woodlands, an evaluation shall be submitted meeting the requirements of Section 402.03.06, below.
- e) Soil series, types and phases, as mapped by the U.S.D.A Natural Resources Conservation Service in the published soil survey for Cumberland County, and accompanying data tabulated for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability). The following soil types shall be specifically identified:
 - i. Alluvial soils.
 - ii. Seasonal high water table soils.
 - iii. Hydric soils.
 - iv. Class I and II agricultural soils.
 - v. Soil hydrologic group (i.e., Group A, B, C or D).
- f) Ridge lines and watershed boundaries.
- g) Geologic formations, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
- h) Any portion of the tract identified as an Important Natural Habitat, in Section 402.05.10, below, shall include the information required therein.
- i) A viewshed analysis showing the location and extent of views into the

property from public roads and from public parks, public forests, and state game lands. Significant scenic views from the property shall also be delineated.

402.03.2 Existing Man-Made Features, including:

- a) Location, dimensions, and use of existing buildings, driveways and any other man-made features on the site.
- b) Locations of trails that have been in public use (pedestrian, equestrian, bicycle) or are proposed on a Township or Cumberland County Open Space or Greenway Plan.
- c) Any easements, deed restrictions, rights-of-way, or any other encumbrances upon the land, including location, size and ownership.
- d) Site features or conditions such as hazardous waste, dumps, underground tanks, active and abandoned wells, quarries, landfills, sand mounds, and artificial land conditions.
- e) Locations of historic features on the tract, including, but not limited to building, foundations, cellar holes, stone walls, earthworks, and burial sites. An historic features report shall be submitted in accordance with Section 402.05.9.
- f) The names of all immediately adjacent landowners, and the names and plan book record numbers of all previously recorded plans for adjacent parcels.
- g) Concept or Preliminary Plans for Resource & Landscape Management Overlay Developments shall include documentation of the Four Step Design Process set forth in Section 618. When requested by the Township, the applicant shall submit four separate sheets indicating the delineation of each step of the design process.

402.03.3 The location and description of existing lot line markers and monuments along the perimeter of the entire existing tract.

402.03.4 The following items when located (a) on the subject tract, (b) within two hundred (200) feet of the subject tract, or (c) beyond two hundred (200) feet of the subject tract when the item affects the subject tract, as determined by the Township Engineer:

- a) The location, size and name of existing rights-of-way and cartways for streets, access drives, driveways and service streets.

- b) The location and size of the following existing features (e.g., public sanitary sewer facilities, public water supply facilities, fire hydrants, buildings, swales, watercourses, bodies of water, floodplain, wetland and storm water management facilities which affect storm water runoff on the subject tract) and any related rights-of-way.
 - c) The location and size of existing rights-of-way for electric, telephone, cable television, gas and oil transmission lines and railroads.
- 402.03.5 The location and size of the existing individual on-lot sanitary sewer disposal facility and water supply facility when located on the subject tract or within a hundred (100) feet of the subject tract. Where access to the adjacent lot is not possible, the locations of utilities on such lots may be approximated.
- 402.03.6 The locations of existing wooded areas or tree lines shall be shown, with a mapping of areas proposed to be removed or maintained. In addition, the locations and general species of individual trees with a trunk diameter of 18 inches or greater shall be shown (other than trees within the wooded areas proposed to be maintained), with a description of whether the tree is proposed to be removed or maintained. Trunk diameter shall be measured at a height of 4.5 feet above the ground level.
- a) For wooded areas and trees proposed to be maintained, the applicant shall provide a written description of methods that will be used to protect the trees during construction, such as placing temporary fencing under the drip line of the tree, to avoid compaction of the root system.
 - b) The locations of existing healthy trees with an over 18 inches and wooded areas shall be a major consideration in the location of proposed common open space or parkland and in the location of new buildings and parking areas.
 - c) Where building or alteration is proposed on natural slopes of over 15 percent, the applicant shall prove to the satisfaction of the Township that the removal of healthy trees with a trunk width of over 6 inches (measured at a height 4.5 feet above the ground level) and other attractive natural vegetation will be minimized.
- 402.03.7 For buildings that are estimated to be 80 years or older on the tract, in addition to locations as required by Section 402.03.2.e., a description and a photo of the building shall be provided. The applicant shall also describe whether the building is proposed to be maintained, changed in use, renovated or removed. See also Section 402.05.9. The Board of Supervisors shall be authorized to grant a waiver or modification to a requirement of this Ordinance where the applicant proves such action is needed to assist in preserving a historic building.

402.04 Proposed Features.

- 402.04.1 Complete description of the centerline for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 402.04.2 Approximate lot line dimensions and lot areas for all parcels. Along existing street rights-of-way, the description shall utilize the existing deed lines.
- 402.04.3 Lot numbers in consecutive order.
- 402.04.4 In the case of land development plans, the location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, and all other significant facilities.
- 402.04.5 A statement on the plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, lot coverage, building coverage, types of sanitary sewage disposal, type of water supply, name of authority providing sanitary sewage disposal and water supply (if applicable), and proposed land use. The location of each land use if several types of uses are proposed. This statement shall also include the criteria needed to calculate off-street parking, lot coverage and other requirements of the prevailing Township Zoning Ordinance.
- 402.04.6 Easements for utilities, access, storm water facilities, etc.
- 402.04.7 Building setback lines, with distances from the property and street right-of-way. A typical example may be used to identify side and rear yard setback, however, odd or unusual shaped lots shall be plotted with all setback lines.
- 402.04.8 Identification of buildings and other structures to be demolished. Additionally, the schedule for demolition shall be acknowledged on the Plan.
- 402.04.9 Typical street cross-section for each proposed street and typical cross-section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way width. Cross-sections for improvements to existing streets shall be provided for each fifty (50) foot station location.
- 402.04.10 Vertical and horizontal alignment on the same sheet for each proposed street, storm water management facility, sanitary sewer (including manhole numbers), and water distribution system. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations, size and type of material. This information is not subject to recording with the Cumberland County Recorder of Deeds. Profiles of access drives/driveways shall be provided.

**ARTICLE 4
INFORMATION TO BE SHOWN
ON OR SUBMITTED WITH SUBDIVISION AND LAND DEVELOPMENT PLANS**

Silver Spring Subdivision and Land Development Ordinance

- 402.04.11 Proposed names for new streets, pavement markings and traffic control devices.
- 402.04.12 Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
- 402.04.13 In the case of land development plans, a grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording in the office of the Cumberland County Recorder of Deeds.
- 402.04.14 A statement on the plan indicating any proposed waivers or variances. This statement must be revised, upon action on the request to acknowledge the outcome of the requested waiver or variance prior to recordation of the Plan.
- 402.04.15 Identification of any lands to be dedicated or reserved for public, semi-public, or community use.
- 402.04.16 For a development in the Resource & Landscape Management Overlay (RLMO), see Section 305.05, which may allow the deferral of certain submission requirements and certain additional modifications and waivers.
- 402.05 Reports.**
- 402.05.1 Sketch Plan. A plan drawn to the standards of a Concept Plan for the entire landholding when, in the opinion of the Township, the application significantly impacts the undeveloped portion of the landholding. The application will be considered in light of its relationship to the entire landholdings.
- 402.05.2 Sanitary Sewer. A Sewer Facilities Plan Revision (Plan Revision Module for Land Development), or Supplement when required by the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended.
- 402.05.3 Groundwater Supply. A Water Supply Capacity Report for projects which propose a groundwater system of greater than twenty-five (25) residential units (single or cumulative), or commercial uses or industrial uses which propose the single or cumulative groundwater system greater than seven thousand five hundred (7,500) gallons per day.

A Water Supply Capacity Report shall be prepared by a professional engineer with expertise in hydrology, soils and geology. The Report must demonstrate that the groundwater recharge on the subject property after development, during drought

conditions (precipitation at forty percent [40%] below normal) will exceed the anticipated water usage and that the project will not lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property below safe levels.

402.05.4 Storm Water. A Storm Water Management Plan in accordance with the Silver Spring Township Storm Water Management Ordinance in effect at the time of filing of the Preliminary Plan.

402.05.5 Steep Slope. A Steep Slope Report for all applications involving construction on lands that possess slopes exceeding twenty-five percent (25%). Standards for boundary interpretation are provided in Section 612. The Steep Slope Report shall include the following:

- a) A topographic map of the site which highlights those areas that possess slopes exceeding twenty-five percent (25%). Also reflected on this map shall be all existing and proposed site alterations and improvements (e.g., buildings, streets, access drives, driveways, parking compounds, utilities, etc.) that are located within the steep slope area.
- b) Only in those instances where construction and/or modifications is proposed to the existing topography and vegetative cover within areas of twenty-five percent (25%) or greater slope, the applicant shall provide a detailed description of the methods that are being used to:
 - (1) Protection and stabilization of areas that have a high potential for soil erosion;
 - (2) Accommodate storm water runoff;
 - (3) Assure structural safety and minimize harm to the environment associated with construction on steep slopes;
 - (4) Protection and preservation of on-site and off-site valuable natural wildlife, plant habitats, and water quality;
 - (5) Protection of steep slopes on adjoining properties; and,
 - (6) Assure adequate foundations for buildings and/or structures.
- c) Only in those instances where construction and/or modifications to the existing topography and vegetative cover in areas of twenty-five percent (25%) or greater slopes, the applicant shall provide a soils engineering report.

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A soils engineering report shall be prepared by a registered professional engineer with expertise in soil, geology and construction. The report shall include:

- (1) The nature, types, distribution and stability of the surface and subsurface soils for load bearing, stability and compaction;
- (2) Extent, description and location of exposed rock and bedrock;
- (3) Erodability of surface soil; and,
- (4) Depth to seasonal high water table.

402.05.6 Traffic Impact Report. A traffic impact report shall be submitted when required by provisions of the Township's Zoning Ordinance. This includes, but is not limited to, development located within portions of the Interchange Zone, all residential land uses which exceed twenty-five (25) lots or units in whole or in part, nonresidential uses that require more than fifty (50) parking spaces, or upon a determination by the Board of Supervisors that the volume or type of anticipated vehicle movements may adversely impact road conditions.

The Board of Supervisors may waive in whole or in part the requirement for a traffic impact report at its discretion in accordance with the provisions of Section 402.05.6.f.

The purpose of the traffic impact report is to insure that proposed developments do not adversely affect the transportation network, to identify any traffic problems, and to determine traffic problems on Township, County or State roads in the vicinity of the proposed project. The report also will assist in the protection of air quality, the conservation of energy and the safety of the motoring public.

The report shall present specific determination of necessary traffic control signing (i.e., stop signs, speed limit signing, warning signs, no parking signing, etc.), conforming to Pennsylvania Consolidated Statutes, Title 75, and applicable Township requirements.

- a) Preparer. The traffic impact report shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. The requirements, procedures and standards for the report are set forth in Section 402.05.6.c.
- b) Definitions. The following words and phrases shall have the particular meaning assigned below for this section of the Ordinance:

- (1) Study Area. This area will extend along all Township, County and State Roads serving the development and will extend to all major intersections along all roads within one mile of the site involved.

Where doubt exists the qualified traffic engineer and/or transportation planner will seek guidance from the Silver Spring Township Board of Supervisors or their designee prior to the submission of the study.

- (2) Major Intersection. Any intersection, where traffic generated by the proposal will have a significant effect on the operation of traffic through the intersection. Where doubt exists, the qualified traffic engineer and/or planner shall seek guidance from the Silver Spring Township Board of Supervisors and/or the Township Traffic Engineer prior to the submission of the study.
- (3) Volume/Capacity Analysis. This procedure compares the volume of a traffic facility to its capacity. The procedure described in the 1985 Highway Capacity Manual, Transportation Research Board Special Report 209, as amended, shall be followed.
- (4) Queue Analysis. This procedure includes the average queue and maximum queue of vehicles which will be observed in each traffic stream and intersection approach, measured in both feet and vehicles. Various statistical and/or computer models may be applied.
- (5) Level-of-Service. This evaluation is defined in the 1985 Highway Capacity Manual, Special Report 209, as amended, as operational conditions within a traffic stream (or at an intersection approach). Level-of-Service also generally describes these conditions in terms of such factors as speed, travel time, freedom to maneuver, traffic interruptions, comfort and convenience and safety. Six Levels-of-Service are defined for each type of traffic facility, ranging from A to F. Level-of-Service "A" indicates free flow; Level-of-Service "B" indicates stable flow; Level-of-Service "C" indicates stable, but inhibited flow; Level-of-Service "D" indicates high density, restricted stable flow; Level-of-Service "E" indicates operation at or near capacity; Level-of-Service "F" is indicative of flow breakdown.
- (6) Trip Generation. The total count of trips to and from a study site per unit of land use (i.e., acres, dwelling unit, etc.) as established by the most recent edition of the Institute of Transportation Engineers, Trip Generation Report. For land uses not listed in this report or if information

is determined through a small sample size, the qualified traffic engineer and/or transportation planner shall seek guidance from the Silver Spring Township Board of Supervisors or their designee prior to the submission of the study.

- (7) Warrants for Traffic Signal Installation. This is a series of warrants which detail the minimum traffic volume, pedestrian volume or other criteria necessary for the installation of a traffic signal. These criteria are contained in the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. DOT, FHWA.
- c) General Requirements and Standards. The traffic impact report shall be in the following format and contain the specified information:
- A. Introduction. The objective of this section is to clearly identify the land use and transportation setting for the site and its surrounding area. This section shall include the following four subsections:
 1. Site and Study Area Boundaries: A brief description of the size, location, general terrain features, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall be included. Also, the description shall include probable socio-economic characteristics of site users with respect to transportation needs of the site (i.e. number of senior citizens).
 2. Existing and Proposed Site Uses. The existing and proposed uses of the site shall be identified in terms of type and zoning classification category.
 3. Existing and Proposed Nearby Uses. A complete description of the existing land uses in the vicinity of the site, as well as their current zoning, proposed uses for adjacent land, other major existing and proposed land development.
 4. Existing and Proposed Roadways and Intersections. The description shall contain full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadways (widths and rights-of-way), parking conditions, traffic channelization, and any traffic signals or other intersection control devices at all intersections within the site.

Also, locations for all signing (i.e. speed limits, etc.) shall be shown and verified.

This subsection shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and illustrated. All existing and proposed public transportation services and facilities documented. All future highway improvements within Silver Spring Township and the study area, including proposed construction and traffic signalization, shall be noted. Improvements from the Pennsylvania Department of Transportation's 12-year Highway and Bridge Program, with Silver Spring Township and the study area, shall also be noted. Any proposed, or in-place, roadway improvements due to proposed surrounding developments shall be noted.

- B. Analysis of Existing Conditions. This section shall describe the results of the volume/capacity analysis to be completed for the roadways and intersections in the study area under existing conditions as well as any data collection efforts that are required. This section shall include the following three subsections:
1. Daily and Peak Hour Volumes. Schematic diagrams shall be presented depicting existing traffic volumes for average daily traffic (ADT), the weekday peak highway traffic hour(s) and peak development generated hour(s), and the Saturday peak traffic hour. All documentation must be contained in the report. Turning movement and mainline volumes shall be presented for all peak hour conditions (weekday A.M. peak, weekday P.M. peak, weekday site generated and Saturday peak) while only mainline volumes are required for ADT's Source and method of computation must be included.
 2. Volume/Capacity Analysis at Critical Points. A volume/capacity analysis based upon existing volumes shall be performed during the weekday and Saturday peak traffic hour(s) and the peak development generated hour(s) for all roadways and major intersections in the study area.
 3. Levels-of-Service at Critical Points. Based on the results obtained in the previous section, levels-of-service are to be determined and presented as in II.B.3.
- C. Analysis of Future Conditions Without the Proposed Development. This section shall describe the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the

proposed development. The future year(s) for which projections are made shall be development completion year unless reported otherwise by the Silver Spring Township Board of Supervisors. Factors included within this section include, but are not limited to, background traffic growth expansion, and traffic generated by other proposed developments as well as associated improvements. This section shall include the following three subsections:

1. Daily and Peak Hour Traffic Volumes. This section shall clearly indicate the method and assumptions used to forecast future volumes in order that Township Personnel can duplicate these calculations. The schematic diagrams depicting future volumes shall be similar for those described previously in II.B.1 in terms of location and times (daily and peak hours).
 2. Volume/Capacity Analysis at Critical Points. The ability of the roadway system to accommodate future traffic (without the proposed development) is to be described in this section. If roadway improvements or modifications are committed for implementation the volume/capacity analysis should be presented for these conditions. Periods of analysis shall be presented for these conditions. Periods of analysis shall be the same as those previously performed in II.B.2.
 3. Levels-of-Service at Critical Points. Based on the results obtained in the previous section, levels-of-service are to be determined and presented as in II.B.3.
- D. Trip Generation. The estimation of vehicular trips to result from the proposed shall be completed for average weekday, average Saturday, peak traffic hours during the weekday A.M. and P.M. peak traffic hours, the weekday peak development generated hour and the Saturday peak traffic hour. These developments generated traffic volumes shall be provided for the in-bound and out-of- bound traffic movements as estimated and the reference source(s) and methodology followed shall be documented. Any characteristics of the site which may cause particular trip generation problems shall be noted.
- E. Trip Distribution. The direction of approach for site generated traffic will be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that Township officials may replicate these results.
- F. Traffic Assignment. This section describes the utilization of study area

roadways by site generated traffic. The proposed traffic volumes shall be combined with anticipated traffic volumes (from Part 3).

- G. Analysis of Future Conditions with the Proposed Development. This section describes, in the below three subsections, the adequacy of the roadway system to accommodate future traffic with development of the site.
1. Daily and Peak Hour Traffic Volumes. Mainline and turning movement volumes shall be presented, in schematic form, for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods (identified previously).
 2. Volume/Capacity Analysis at Critical Points. Similar to II.B.2 and II.C.2, a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
 3. Levels-of-Service at Critical Points. Based upon the results obtained in the previous section, levels-of-service are to be determined and presented as in II.B.3 and II.C.3.
- H. Recommended improvements. A description of proposed improvements to remedy deficiencies shall be included in this section. Improvements shall be identified which would replace capacity and/or return pre-development levels-of-service conditions. Alternative improvement schemes shall be presented for post development traffic volumes to operate at a minimum level-of-service “D”. Or, in no circumstances, at a level-of-service worse than predevelopment condition.

These recommendations shall separately identify committed projects of governmental agencies which were described and independently identified in part A and reflected in the analysis contained in parts B and C. This section shall include the following three subsections.

1. Proposed Recommended Improvements. This section should describe the location, nature and extent of proposed improvements to assure sufficient. The listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, speed limit, stop and no parking sign locations, site access location and design, external roadway and intersection design and improvements and traffic signal installation and operation including phasing and timing. All physical roadway improvements shall be shown in sketches. This listing shall also include, for each improvement: preliminary cost estimates, funding source, timing and likelihood of the improvement implementation and the party responsible for the improvement.

2. Volume/Capacity Analysis at Critical Points. Another iteration of the volume/capacity analysis shall be presented and described which demonstrates the anticipated results of making recommended improvements.
 3. Levels-of-Service at Critical Points. Based on the results obtained in the previous section, levels-of-service for the study area with improvements shall be presented.
- I. Conclusion. The last section of the report shall be a clear concise description of the findings. It is anticipated that this concluding section should serve as an executive summary.
- a) Time of Submission. The traffic impact report shall be submitted to the Township with the Preliminary Plan application. An application for Preliminary Plan approval shall be deemed incomplete and unacceptable for filing if the traffic study is not included in the submission, and the time period for approval of such plans pursuant to Section 508 of the Pennsylvania Municipalities Planning Code, Section 10508 shall not commence until the report is received by the Township.

The design plans for street improvements shall not be submitted to the Pennsylvania Department of Transportation until the plans have been reviewed by the Silver Spring Township Planning Commission, the Silver Spring Township Engineer, and approved by the Silver Spring Township Board of Supervisors. The submittal to PennDOT shall be accompanied by the comments of Silver Spring Township.

- b) Implementation. The Silver Spring Township Planning Commission, Engineer, and Board of Supervisors shall review the traffic impact report to analyze its adequacy in solving any traffic problems that may occur due to the development. If the report of the Township Engineer, in reviewing the traffic study of the developer, makes additional recommendations or recommendations different from that of the traffic consultant of the developer, then the Board of Supervisors may require these added improvements to be completed by and at the cost of the developer and those added improvements may be attached to the overall land development or subdivision approval as conditions to approval. The Silver Spring Township Board of Supervisors may decide that certain improvements contained in the report, within the study area, are mandatory for development and may attach these as conditions to the approval.

- c) Waivers. The Board of Supervisors of Silver Spring Township may waive or modify, in whole or in part, the requirement for a traffic impact report or any of the requirements and standards set forth in Section 402.05.6.c) if literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such waiver or modification will not be contrary to the public interest and that the purpose and interest of this article be observed.

In considering any waiver or modification, the Board of Supervisors may consider, in their discretion, but are not limited to considering, such factors as the location of the subject property, its proximity to intersections and major roadways, the size and density of the proposed subdivision or land development, the number and location of proposed accesses to the subject property and the nature of the use proposed.

402.05.7 Park and Recreation. A Park and Recreation Report for residential developments of fifty (50) or more units. Said report shall include the following minimum considerations:

- a) A description of the total projected number of residents in their respective age groups.
- b) A description of those existing public recreation facilities located within a one-half mile radius of the site.
- c) A description of the adequacy of existing recreation facilities to serve the proposed residents, taking into consideration current usage.
- d) A discussion of potential for any recreation facilities to be provided by the developer to accommodate new residents and/or compensate for any anticipated deficiencies of the Township's recreational facilities.
- e) A description of any recreation facilities to be provided by the developer discussion on the relationship of the proposal to the prevailing Township Park and Recreation Study.
- f) A description of responsibility for maintenance of any recreational facilities to be provided by the developer.
- g) A description of accessibility of the proposed facilities to general Township residents.
- h) A description of any contributions in accordance with Section 615 of this Ordinance that the developer plans to make for Township recreation to

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compensate for expected impacts.

- i) Source of standards used in the data presented.

The Park and Recreation Report will be transmitted to the Township Recreation Advisory Council for review.

402.05.8 Archaeological Resources. All applications involving lands identified on the Silver Spring Township Comprehensive Plan's Natural and Cultural Features Map by the Pennsylvania Historical and Museum Commission (PHMC) as containing a potential or known site of archaeological significance shall plot the location of the archaeological resource.

402.05.9 Historical Features. All applications involving structures or lands that:

- a) Are listed on the National Register of Historic Places.
- b) Receive a determination of eligibility from the National Register from the National Park Service.
- c) Are listed on the Cumberland County Historical Society Register.

Shall be designed to preserve, adaptively reuse, or otherwise provide for the historic features. Modifications and exterior alterations to historic features or sites, or new construction adjacent to historic features, shall be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties, as published by the National Park Service.

Subdivisions and land developments shall also be designed so that new structures do not block historic views, or obstruct the view of historic properties, and new construction shall be consistent with the Secretary of the Interior's Guidelines. If, because of size, construction material, or type of use a proposed land development or subdivision would jeopardize the historic value of a site or structure, such new construction shall be screened or otherwise visually buffered.

402.05.10 Important Natural Habitats. All applications for lands that possess an important natural habitat, as defined herein shall plot the location of the natural resources. Important natural habitat is defined as follows:

- a) Wetlands, as defined by criteria of the U. S. Department of Interior, Fish and Wildlife Service; or
- b) Pennsylvania Natural Diversity Inventory (PNDI) confirmed extant plant

and animal species and communities that are listed as Pennsylvania Threatened or Pennsylvania Endangered; or,

- c) PNDI-confirmed extant plant and animal species and communities that have a State Rank of S1 or S2.

402.05.11 Carbonate Assessment Report.

- a) All land developments and subdivisions required by this Ordinance to provide a Carbonate Assessment Report shall be evaluated by a Licensed Professional Civil Engineer with expertise in Geotechnical Engineering or a Licensed Professional Geologist. Each of said experts will be licensed in their field of expertise by the Commonwealth of Pennsylvania. A list of the engineers/geologist qualifications shall be submitted to the Township prior to the commencement of the site evaluation. The Township reserves the right to reject any report that in its opinion was authored by an individual or firm which does not possess the background to properly assess the site conditions as they relate to this ordinance. Further, the Carbonate Assessment Report submitted to the Township must be signed by the licensed professional civil engineer with expertise in geotechnical engineering and/or a licensed professional geologist. If the applicant can provide evidence that the site is not underlain by carbonate geology, then a carbonate assessment report shall not be required.
- b) The format and content of the Carbonate Assessment Report shall include, but not be limited to the following:
 - i. Statement of Purpose: This section shall indicate those standards being addressed in the Report and whether the applicant is attempting to demonstrate compliance, or justify noncompliance with those specific standards.
 - ii. Description of Existing conditions: This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation, and existing improvements and uses of property.
 - iii. A map, at scale no smaller than 1 inch = 100 feet and a contour interval of two feet indicating the location of the property and all proposed improvements.
 - iv. The Developer/Applicant shall submit information for the effected properties indicating the presence of any of the following carbonate features: depressions, fissures, lineaments, faults, ghost lakes, bedrock, outcrops, sinkholes, seasonal high-water levels,

- soil mottling, springs, surface drainage entering the ground, disappearing lakes or streams and caverns.
- v. The professional shall prepare a map of the site showing all Karst features or feature indicators. The mapping shall indicate, but shall not be limited to, the following features: closed depressions, open sinkholes, seasonal high-water table indicators, outcrops of bedrock, unplowed areas in plowed fields, surface drainage into ground, and ghost lakes after rainfall.
 - vi. A recommended plan for the repair or remediation of surface or subsurface features that may impact the proposed development as well as the adjacent improved or unimproved properties.
 - vii. The information requested above shall be based upon previously published data and field surveys which may include test boring, excavation of test pits, air-track probes, and geophysical methods.
- c) In addition to the Carbonate Assessment Report the developer shall also be required to provide the following information:
- i. A plan indicating the existing and proposed drainage conditions, locations of all proposed private and public sewage disposal systems, and the location of existing private and public water supplies on adjoining properties (within 1,000 ft. of applicant's property).
 - ii. Type, location and phasing of proposed site disturbance and construction, as well as proposed future ownership, utilization and maintenance of the property and the proposed improvements.
 - iii. Proposed measures to control potential adverse environmental impacts on groundwater quality and storm water management resulting from the development and utilization of the property to include the installation of a ground source heat pump system.
 - iv. Plans describing the design and construction of the proposed stormwater management facilities proposed for the project. A description of the minimum requirements is outlined below.
- d) The Carbonate Assessment Report is recommended as part of the Concept Plan process, but shall be required as part of the Preliminary or Final Plan process. Four copies of the Report shall be submitted to the Township. The Report shall be reviewed by the Township Engineer and other

consultants as designated by the Township. The Township may require additional information to be submitted if it concludes that such information would be instrumental in assessing the proposed development as it relates to this ordinance.

402.05.12 Greenway Land Management Plan. For subdivision and land development applications requiring Greenway land:

- a) Using the Preliminary Plan as a base map, the boundaries, acreage and proposed ownership of all proposed Greenway land shall be shown, including a plan containing the following information:
 - i. Proposed ownership, use restrictions, limitations on buildings and improvements;
 - ii. Necessary regular and periodic operation and maintenance tasks and responsibilities for the various forms of Greenway lands (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands and other Greenway elements) including mowing, control of invasive species, etc.;
 - iii. Estimate of staffing needs, insurance requirements, and associated costs, and defining the means for funding the maintenance of the Greenway land on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating, maintenance, and capital reserve costs.
 - iv. Such management plans shall be consistent with the requirements of Section 220 of the Zoning Ordinance.

402.05.13 Turning Movement Diagrams and Report. Turning movement diagrams shall be presented to display the range of motion of all vehicles along streets and access drives for both internal circulation and external access to the Township's existing street network.

402.06 Certifications and Notifications.

402.06.1 Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a copy of the right-of-way agreement or a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback

and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

402.06.2 A statement by the individual responsible for the data to the effect that the survey, plan and/or other general data are correct (see Appendix No. 1). This statement must be placed on both plans and reports.

402.06.3 A statement acknowledging that the subdivision or land development shown on the Plan is presented with the consent of the landowner.

402.06.4 A statement that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, before any improvements are initiated within a State highway, or a street, access drive, or driveway intersection to a State highway is permitted.

402.06.5 An application.

402.06.6 (Optional) A statement acknowledging Township action (see Appendix Nos. 3 and 4).

402.07 Filing Fee.

The Preliminary Plan shall be accompanied by a check or money order drawn to Silver Spring Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Building. Additionally, the applicant shall provide the Township with the filing fee established by Cumberland County for review by the County Planning Commission.

SECTION 403 **FINAL PLANS.**

Final Plans shall be prepared by an engineer, land surveyor and/or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by land surveyors, and designs which entail engineering shall be prepared by registered engineers with appropriate expertise. The Final Plan shall show, be accompanied by, or be prepared in accordance with the following:

403.01 Drafting Standards.

The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.01 except that plans to be recorded shall be sized eighteen (18) inches x twenty-four (24) inches.

403.02 Location and Identification.

The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.02.

403.03 Existing Features.

The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.03.

403.04 Proposed Features.

In addition to the following data, the same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.04.

- 403.04.1 Complete description of the centerline and right-of-way line for all new and existing streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 403.04.2 Complete description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines. Along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 403.04.3 Locational dimensions for easements with sufficient detail to provide easy on-site location. Easements which do not follow property lines shall be located by a centerline metes and bounds description.

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403.04.4 Recorded easements for offsite utilities, access, and stormwater facilities.

403.04.5 For proposed buildings and other major structures, other than single family detached dwellings, the plans shall include information to tie two opposing proposed points, such as building corners, to existing physical features on the site. Each proposed point shall be tied to at least two existing physical features. These requirements can be modified or adjusted by the Township Engineer as requested to accommodate actual field conditions.

403.05 Reports.

The same standards are required for a Final Plan as specified for Preliminary Plan in Section 402.05. If the reports were submitted with the Preliminary Plan and the contents are unchanged, they may be submitted by reference as opposed to full text submission.

403.06 Certifications and Notifications.

In addition to the following data, the same standards are required for a Final Plan as specified for Preliminary Plan in Section 402.06.

403.06.1 A statement on the Plan acknowledging Final Plan approval (see Appendix No. 5). This statement must be placed on the first sheet of plans which are subject to recording in the office of the Cumberland County Recorder of Deeds.

403.06.2 A statement on the Plan acknowledging Plan Review by the Township Planning Commission, Township Engineer, and Cumberland County Planning Department with signatures of each (see Appendix No. 3). This statement must be placed on the first sheet of plans which are subject to recording in the office of the Cumberland County Recorder of Deeds.

403.06.3 The submission of a notice from the Pennsylvania Department of Environmental Protection that a Sewer Facilities Plan Revision, Supplement, Waiver or Exemption has been approved.

403.06.4 A notarized statement on the Plan signed by the landowner, duly acknowledged before an officer authorized to take acknowledgment of deeds, to the effect that the subdivision or land development shown on the Plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded (see Appendix No. 2). This must be dated following the last change or revision to said plan.

403.06.5 A statement on the Plan of dedication of streets and other public property as well

as area that is not to be offered for dedication (see Appendix No. 2).

- 403.06.6 The submission of such written notices of approval as required by this Ordinance, including written notices approving the street name, encroachments along State Routes, water supply systems, sanitary sewage systems, and storm water runoff to adjacent properties.
- 403.06.7 A statement on the Plan to accommodate the Cumberland County Recorder of Deeds information (see Appendix No. 5).
- 403.06.8 The submission of an improvement guarantee in accordance with Article 5.
- 403.06.9 A statement on the Plan that all public improvements will comply with the latest edition of Township's *Improvements Specifications Manual*.
- 403.06.10 The submission of an application.
- 403.06.11 The submission of an executed Improvement Guarantee Agreement, which sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements.
- 403.06.12 The submission of planned community documents and homeowners' association documents to be reviewed and approved by the Township Solicitor.
- 403.06.13 A statement on the Plan that the development shall be constructed in accordance with the Plan and all applicable ordinances.

403.07 Filing Fee

The Final Plan shall also be accompanied by a check or money order drawn to Silver Spring Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Building. Additionally, the applicant shall provide the Township with the filing fee established by Cumberland County for review by the County Planning Commission.

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ARTICLE 5: IMPROVEMENT GUARANTEES**SECTION 501 GENERAL.**

No project shall be considered in compliance with this Ordinance until all improvements required by this Ordinance and/or the approved plan have been installed in accordance with this Ordinance and other applicable Township ordinances.

When sanitary sewer and water supply facilities 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 assure 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 within the financial security as otherwise required by this section.

No Final Plan shall be signed by the Board of Supervisors for recording in the office of the Recorder of Deeds in and for Cumberland County unless: (1) a financial security in accordance with Section 502 is accepted by the Board of Supervisors; or (2) the improvements required by this Ordinance and the approved plan have been installed in accordance with Section 503.

SECTION 502 FINANCIAL SECURITY.

The administration of the financial security shall comply with the provisions of this Article, the Pennsylvania Municipalities Planning Code, Act 247, as re-enacted and amended by Act 170 of 1988, and as subsequently amended, and other applicable laws of the Commonwealth.

502.01 Submission of Financial Security.

Final Plan applications which include improvements required by this Ordinance and the approved plan that have not been installed, shall include a financial security in a form satisfactory to the Board of Supervisors.

502.01.1 Type of Financial Security.

Financial security must comply with the following, and is subject to review by the Township Solicitor and Board of Supervisors for adequacy.

- a) Escrow Account. A deposit of cash either with (1) the Township or (2) in escrow with a Federally-chartered financial institution.
- b) Irrevocable Letter of Credit. A letter provided by the developer from a Federal or Commonwealth chartered lending institution. All irrevocable letters of credit shall contain a provision, which provides that the expiration date of the letter of credit is automatically extended or renewed for successive periods of one year.

- c) Bond. A bond with corporate surety authorized by the Pennsylvania Insurance Commission to do business in Pennsylvania.

502.01.2 General Contents.

In addition to other information required by the Township, financial securities shall include the following:

- a) The amount of secured funds.
- b) In case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement, the funds shall be paid to the Township immediately and without further action, upon presentation of a signed draft in an amount necessary to finance the completion of those improvements, up to the limit of the security.
- c) The security is irrevocable and may not be withdrawn, or reduced in amount by other than the Township, until release or partially released by the Township.

502.01.3 Amount of Financial Security.

The amount of financial security 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 developer. Annually the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date schedule for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the developer in accordance with this Ordinance.

The amount of financial security required shall be based upon an estimate of the cost of completion (including quantities and unit cost) of the required improvements, submitted by a developer and prepared and certified by an engineer to be a fair and reasonable estimate of such cost.

If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-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-year period by using the above procedure.

502.02 Release of Financial Security.

When all or part of the financially secured improvements are completed, the developer may notify the Board of Supervisors and request a release of the financial security. The reduction of a portion of the financial security shall be limited to the lesser of a minimum twenty percent (20%) of the total financial security, or one hundred thousand dollars (\$100,000).

All requests for release of financial security shall be in writing, by certified or registered mail to the Board of Supervisors, at the Township Building, and a copy thereof shall be sent to the Township Engineer. This notice shall include the "As-Built Plan" in accordance with Section 507.

After receipt of notice for release of financial security, the Board of Supervisors shall direct the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, within twenty (20) days, file a written report with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, are not approved by the Township Engineer, said report shall contain a statement of reasons for such rejection.

The Board of Supervisors shall notify the developer, within twenty-five (25) 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.

If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

A portion of the financial security may be retained as a maintenance guarantee in accordance with Section 505.

502.03 Other Remedies.

If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds 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 applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

**SECTION 503 INSTALLATION OF REQUIRED IMPROVEMENTS IN CONJUNCTION WITH
CONDITIONAL FINAL PLAN APPROVAL.**

This procedure is available for the installation of improvements required by this Ordinance in lieu of placing financial security with the Township.

503.01 Authorization for Construction.

The applicant may receive approval to construct only the improvements required by this Ordinance upon receipt of conditional Final Plan approval with the only outstanding conditions being the financial security for the required improvements and approvals/permits from other agencies with jurisdiction grant the authority to install the improvements.

503.02 Completion of Public Improvements.

When all or part of the required improvements are complete, the developer shall notify the Board of Supervisors. Notification of completion of a portion of the required improvements is only necessary should the developer elect to financially secure the remaining improvements in accordance with Section 502.

Notification of completion of improvements shall be in writing, by certified or registered mail, and a copy thereof shall be sent to the Township Engineer. This notice shall include the "As-Built Plan" in accordance with Section 507.

After receipt of notice that improvements are completed, the Board of Supervisors shall direct the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, within twenty (20) days, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, are not approved by the Township Engineer, said report shall contain a statement of reasons for such rejection.

The Board of Supervisors shall notify the developer, within twenty-five (25) 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.

If any portion of the said improvements shall not be approved by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

SECTION 504 DEDICATION OF IMPROVEMENTS.

All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the Board of Supervisors. No responsibility of any kind with respect to improvements shown on the Plan shall be transferred until the improvements have been formally accepted. All requests for dedication shall include the assignment document in a recordable form.

The maintenance of improvements, including repairs of any and all damages, in the period prior to dedication shall be the sole responsibility of the applicant.

The Board of Supervisors is not obligated to accept the dedication of improvements even if designated for dedication on the plan.

SECTION 505 MAINTENANCE GUARANTEE.

The Board of Supervisors may, at its discretion, require the developer to submit a maintenance guarantee or other approved guarantee as specified herein, guaranteeing the structural integrity as well as function of any improvement shown on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication by the Board of Supervisors. Said guarantee shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements and be of the same type of financial security as required in this Article.

SECTION 506 INSPECTION OF IMPROVEMENT DURING CONSTRUCTION.

Inspections shall be required prior to the start of construction, during installation of materials and structures, and upon the completion of all improvements. Prior to the initiation of construction, the developer shall arrange a pre-construction meeting with the Township Engineer so that an inspection schedule can be coordinated with the construction schedule. The Township Engineer shall be notified two (2) working days in advance of any intended date of construction. The provisions stated herein shall not be construed as mandating periodic inspections and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction.

The Township, at the expense of the developer, reserves the right to require inspection and testing of the improvement to determine whether the improvement complies in all respects with the requirements of the Township.

Fees for the reasonable and necessary charges for the Township's Professional Consultants in connection with the inspection of improvements shall be paid by the applicant. The applicant shall not be required to reimburse the Township for any inspection, which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proof that any inspection is duplicative shall be upon the objecting applicant. Such inspection fees shall be established by resolution of the Board of Supervisors and shall be reasonable and not more than the total rate of compensation paid by the Township to the respective Professional

Consultants. The Township, in its discretion, may require the applicant to establish an interest-bearing escrow account with the Township to pay inspection fees or bill the applicant on a monthly basis for the inspection fees.

If the Township elects to require the applicant to establish an interest-bearing escrow account, the initial amount to be deposited in the escrow account shall be deposited prior to plan recording and shall be 4% of the total cost of the improvements for residential developments and 3% of the total cost of the improvements for commercial developments. The Township shall provide notice to the applicant each time a payment is made from the escrow account for inspection fees, which shall include the amount of the payment and the services for which the payment was made. If necessary to cover the cost of inspection fees, the applicant shall deposit additional funds in the escrow account upon request by the Township. Once all inspection fees have been paid, any funds remaining in the escrow account shall be refunded to the applicant.

If the Township elects to bill the applicant for inspection fees, the Township shall provide itemized bills to the applicant for inspection fees, as referenced above, on a monthly basis, showing the work performed in connection with the inspection of improvements, identifying the person performing the services, the time spent and the date for each task. Said bills shall be due and payable within thirty (30) days of the date of the bill.

In the event the applicant disputes the amount of any such inspection fees, the applicant shall no later than thirty (30) days after the date of transmittal of the bill or notice to the applicant, notify the Township and the Township's Professional Consultant that such fees are disputed and shall explain the basis of the applicant's objections to the fees charged. The Township shall not delay or disapprove a request for release of financial security, s subdivision or land development plan of any approval or permit related to development due to the applicant's dispute over fees. Failure of the applicant to dispute a bill or notice within thirty (30) days shall be a waiver of the applicant's right to arbitration of that bill under Section 510 (g) of the Municipalities Planning Code.

Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the Professional Consultant shall submit to the Board of Supervisors a bill or notice for inspection services, specifically designated as a final bill or notice. The final bill or notice shall include inspection fees incurred through the release of financial security.

In the event the Township's Professional Consultant and the applicant cannot agree on the amount of inspection fees, which are reasonable and necessary, within twenty (20) days of the date of billing or notice, then the applicant shall have the right, within forty-five (45) days of the transmittal of the final bill or notice 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 or notices 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. The arbitration shall follow the procedure set forth in Section 510(g)

of the Municipalities Planning Code.

A specific schedule and procedure for information will be established for each project.

SECTION 507 AS-BUILT PLANS.

Upon completion of all required improvements and prior to final inspections of improvements, the developer shall submit a Plan labeled “As-Built Plan,” showing the actual location, dimension and elevation of all existing improvements. In addition, the Plan shall demonstrate that the existing grading, drainage structures and/or drainage systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The Plan shall specifically identify all deviations from the previously approved drawings. The applicant's engineer shall certify that the construction of the storm water management facility was completed in accordance with the plans and specifications as originally submitted and approved by the Township. The Plan shall also obtain a surveyor’s certification of accuracy. Three (3) paper copies of the Plan shall be submitted to the Township, who shall distribute a paper copy to the Township Engineer and retain two (2) copies for the Township files.

SECTION 508 IMPROVEMENTS SPECIFICATIONS.

All improvements required under this Article 5 shall be installed or constructed in strict accordance with the latest edition of Township's *Improvements Specifications Manual*, as promulgated and adopted from time to time by resolution of the Board of Township Supervisors.

ARTICLE 6: DESIGN STANDARDS

SECTION 601 GENERAL.

The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

601.01 Site Analysis.

An analysis shall be made of the site characteristics, such as site configuration, geology, soil, topography, water bodies, ecology, vegetation, structures, road network, visual features and past/present use of the site. Development of the site shall be designed to:

- a) Preserve the natural features of the site;
- b) Avoid areas of environmental sensitivity; and,
- c) Minimize negative impacts and alteration of natural features.

601.02 Preservation of Natural and Cultural Features.

The following specific areas shall be preserved and incorporated into the overall design:

- a) Wetlands, as defined by this Ordinance, except in those situations where permits or approvals from applicable State and Federal agencies have been obtained (see Section 610);
- b) Floodplain, as defined by the Silver Spring Township Zoning Ordinance (see Section 610);
- c) Steep slopes in excess of twenty-five percent (25%) (see Section 612);
- d) Habitats of endangered wildlife, as identified on Federal or State lists (see Section 402.05.10); and
- e) Natural features.

601.03 General Design Goals.

The development shall be laid out to avoid unnecessary impervious cover and to mitigate adverse effects of shadow, noise, glare, odor, traffic, drainage, and utilities on neighboring properties.

601.04 Conformance with Adopted Plans.

Design of the development shall take into consideration all adopted Township, County, and State plans for the Township and surrounding community.

SECTION 602 STREETS, ALLEYS, DRIVEWAYS, AND ACCESS DRIVES**602.01 General Arrangements.**

Streets, alleys, driveways, and access drives form the circulation system. The circulation system shall be designed to:

- a) Permit the safe, efficient and orderly movement of vehicles;
- b) Provide, when possible, two directions of vehicular access by means of a street or access drive to and within a development;
- c) Meet the needs of the present and future population;
- d) Provide a simple and logical pattern;
- e) Function under a hierarchy system where the intensity of intersections decrease as traffic volumes and speed increase;
- f) Respect the natural features and topography; and,
- g) Present an attractive streetscape.

602.02 Private Streets.

A private street shall only be allowed if:

- a) It is constructed to all of the same requirements that would apply to public streets, including being inspected by Township officials during construction, and
- b) The applicant provides a legally binding mechanism to ensure the perpetual maintenance of the street without cost to the Township. See also Section 602.16, which addresses privately-owned alleys.

602.03 Improvements of Existing Streets.

Where a subdivision and/or land development abuts an existing Township street and/or State route, the application shall conform to the following:

602.03.1 Ultimate Right-of-Way.

The ultimate right-of-way width shall be provided on Township-owned streets in accordance with the following categories of roadways:

- a) Arterials - owned by State with additional right of way requirements to be established by PennDOT.
- b) Collector. A sixty (60) foot right-of-way, measured thirty (30) feet from the existing street centerline, shall be provided for:

Conodoguinet Parkway - SR 0114 (I-81 to Wertzville Road) North Locust Point Road - SR 1007

Rich Valley Road - SR 1009 Sample Bridge Road - T-596 Texaco Road - SR 2012 and T-583 Bernheisel Bridge Road - T-574 State Road - SR 2012 Hempt Road - T-551

Woods Drive-east of Route 114 - T-585 Mulberry Drive - T-586

- c) Local. A fifty (50) foot right-of-way, measured twenty-five (25) feet from the existing street centerline, shall be provided for all other Township streets.
- d) Abutting a State road, the applicant is required to offer the additional right-of-way to PennDOT. If PennDOT does not accept it, then the applicant is required to offer the additional right-of-way to the Township. Abutting a Township road, the applicant is required to offer the ultimate right-of-way to the Township. If the Township does not accept the additional right-of-way, then the Township may require that the Record Plan show that the ultimate right-of-way is reserved for future dedication at such time in the future as PennDOT or the Board of Supervisors would determine it is needed.
 - (1) An applicant shall have the option under the Waiver requirements of this Ordinance to seek a signed statement from PennDOT claiming that land within an ultimate setback of the subject lot shall not be used by PennDOT for future roadway expansion. In which case, the additional right-of-way shall not be required. If such a signed statement is not provided, the applicant shall submit a signed statement accepting sole liability for the decision to build within an ultimate right-of-way.
- e) Whenever an ultimate or future right-of-way line is established under this Ordinance, then all setbacks under the zoning ordinance shall be measured from such line, regardless of whether the ultimate right-of-way is dedicated or not by the authorizing agency.
- f) The Board of Supervisors may also require the dedication of additional right-of-way by an applicant if such right-of-way is needed to address a public safety hazard or to provide a needed turn lane.

602.03.2 Installation of Improvements.

Where the Traffic Impact Report indicates that improvements are required on abutting or nearby streets, the application shall include the installation of the improvements.

602.03.3 Guarantee of Improvements.

Improvement guarantees in the form permitted by this Ordinance shall assure that such improvements will be made within such period of time as the Township shall determine such determination to be based on the likely timing of the project and the improvements of the other portion of said street.

602.04 Street Classifications.

Unless otherwise prescribed by Township mapping, the Township's streets are classified within the following categories:

602.04.1 Arterials

- a) American Legion Memorial Highway - I-81 (Limited Access)
- b) Pennsylvania Turnpike - I-76 (Limited Access)
- c) Wertzville Road - SR 0944
- d) Carlisle Pike - SR 0011
- e) Hogestown Road - SR 0114
- f) Trindle Road - SR 0641 (Mechanicsburg Borough to Churchtown Road)
- g) Trindle Road - SR 0641 (Churchtown Road to Middlesex Township)
- h) Silver Spring Road - SR 1011
- i) Conodoguinet Parkway - SR 0114 (Carlisle Pike to I-81)

602.04.2 Collectors

- a) Conodoguinet Parkway - SR 0114 (I-81 to Wertzville Road)
- b) North Locust Point Road - SR 1007
- c) Rich Valley Road - SR 1009
- d) Sample Bridge Road - T-596
- e) Texaco Road - SR 2012 and T-583
- f) Bernheisel Bridge Road - T-574 State Road - SR 2012
- g) Hempt Road - T-551
- h) Woods Drive - east of Route 114 - T-585
- i) Mulberry Drive - T-586

602.04.3 Local. All other streets.

602.04.4 The arterial street provides for traffic flow between municipalities. Direct access to adjoining properties is a minor and secondary responsibility of an arterial street.

- 602.04.5 Silver Spring Township has designated the following as arterial streets:
- 602.04.6 Development which adjoins arterial streets are required to conform with the following:
- 602.04.7 No vehicular access is permitted along an arterial street when alternative access is possible from a street of less classification.
- 602.04.8 Access to arterial streets must be designed for use by adjoining properties to coordinate and reduce the number of access points. Shared access drives, feeder roads, marginal access streets, reverse frontage lots, or other such treatment shall be utilized to reduce the number of intersections along arterial streets.
- 602.04.9 Intersections of streets, access drives or alleys with arterial streets shall not be located closer than five hundred (500) feet, measured along the centerline of the arterial street.
- 602.04.10 Intersections of driveways and arterial streets shall be limited to two (2) per lot. Driveway shall be provided with adequate turnaround within the lot so egress to the street is in a forward direction. Shared driveway entrance points are encouraged. Intersections of driveways and arterial streets shall be separated by greater than fifty (50) feet, including shared driveways and driveways located on neighboring abutting lots.
- 602.04.11 The arrangement of alternative access roads and feeder roads, as shown on the officials maps of the Township, shall be coordinated with the development plan.

602.05 Street Function.

Streets shall be designed to form continuations of streets with similar function and access streets of a greater function. Local streets shall be laid out to discourage use by through traffic and excessive speeds. Streets shall conform with the circulation routes of the Township, adjoining development patterns, topography, and natural features.

602.06 Street Provisions for Future Development.

Where appropriate, areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. Areas reserved solely for future street usage will not be required to be improved; however, the right-of-way for these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract.

Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project provided this use is not adverse to significant man-made or natural features of the site.

When connecting a proposed street to an existing temporary cul-de-sac, such connection and all restoration work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.

602.07 Street Signs.

Street signs including name, and traffic controls shall be furnished and installed by the developer upon approval from the Township. Streets which are continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets within the same postal area. All new street names are subject to approval by the Township and the U. S. Postal Service.

602.08 Vertical Alignments.

Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be one percent (1%). The maximum grade for streets with a projected average daily traffic count over one thousand (1,000) vehicles and/or a speed limit over twenty-five (25) miles per hour shall not exceed ten percent (10%). All other streets shall not exceed twelve percent (12%).

- 602.08.1 Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths (in feet) of vertical curves shall be thirty (30) times the algebraic difference in grade.

For example, if a three percent (3%) upgrade is followed by a four percent (4%) downgrade, the algebraic difference in grade is 7; the minimum length of the vertical curve would then be 210 [30x7=210].

- 602.08.2 Where the approaching grade, within one hundred (100) feet of the centerline intersection, exceeds seven percent (7%) on streets at a four-way street intersection, or the terminating street at a three-way intersection, a leveling area shall be provided. Such leveling area shall have a maximum grade of four percent (4%) for a minimum length of one hundred (100) feet measured from the intersection of the centerlines.

- 602.08.3 The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall be at least one percent (1%) and not exceed five percent (5%) in any directions.

- 602.08.4 All areas within the street right-of-way shall be graded substantial consistent with the street centerline. The maximum slopes of banks located outside of the street right-of-way, measured perpendicular to the right-of-way of the street shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts.

602.09 Horizontal Alignments.

Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes. Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.

The minimum horizontal curve radius shall be one hundred fifty (150) feet, except that for a local street with a design speed of 25 miles per hour or less, this radius may be reduced to one hundred (100) feet. All curves shall be tangential arcs.

The following minimum tangent shall be provided between reverse curves:

Collector Street	100 feet
Local Street	50 feet

602.09.1 Perimeter Streets.

Street locations along the perimeter of a property shall be required to provide building setback lines and clear sight triangles within the adjacent properties; permission for these encroachments shall be obtained in the form of a right-of-way from the adjacent landowner.

602.09.2 Cartway Alignment.

The centerline of the street cartway shall correspond with the centerline of the street right-of-way.

602.10 Street Right-of-Way and Cartway Widths.

The minimum street rights-of-way and cartway widths are based upon the following street functions:

Function	Minimum Right-of- Way Width	Minimum Cartway Width
<u>Type I.</u> A street which (a) provides access to a residential land use with a density in excess of three (3) dwelling units per acre*, or (b) provides access to an industrial use or a commercial land use, or (c) serves an average daily traffic count over one thousand (1,000) vehicles, or (d) has a speed limit over twenty-five (25) miles per hour. *However, development in the Village Overlay Zone shall follow the standards in Zoning Section 207.	60 ft.	36 ft.
<u>Type II.</u> A street which provides access to a residential land use with a density of three (3) or less dwelling units per acre or an institutional land use.	50 ft.	28 ft.
<u>Type III.</u> A street which provides access to single-family lots which are in excess of one (1) acre each.	50 ft.	22 ft.

Turnaround ¹	10 ft. wider than pavement width. ²	60 ft. with no center island. 20 ft. cartway, with 45' radius for center island design. ²
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¹The Board of Supervisors, upon the recommendation of the Planning Commission, may permit an alternative turnaround design, including a turnaround incorporated into a parking court or a landscaped island, provided safe movement of traffic is assured, adequate radii are used and guaranteed long-term maintenance is provided.

²Width/diameter.

The extension of existing streets which are presently constructed with a cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to Township approval.

602.10.1 In instances where a new public street right-of-way is established as an access to a formerly known flag lot, adjoining lots with existing structures may continue to satisfy yard setback requirements as originally established at the time of development. The edge of the new cartway shall be a distance of at least fifty (50) feet from the nearest façade of an existing principal structure on any adjoining residential lot.

602.10.2 At the end of a cul-de-sac street, the Township may require that a snow storage easement be established. Such easement shall be free of driveways, shall be designated with no parking signage, and shall be designed to allow proper drainage of melting snow.

602.11 Street Improvements.

All streets shall be designed in accordance with the latest edition of Township's *Improvements Specifications Manual*.

602.12 Street Intersections.

602.12.1 All intersections with a State Route shall be subject to the approval of the Pennsylvania Department of Transportation (PennDOT). Copies of Highway Occupancy Permits from PennDOT shall be submitted for all proposed intersections with a State Route prior to Final Plan approval.

602.12.2 Multiple intersections involving the junction of more than two streets are prohibited. Only two, three, and four-way intersections are permitted.

602.12.3 The distance between the centerline intersections of streets shall be measured along the centerline of the street being intersected and conform with the following:

Function	Minimum Separation
Arterial	500 feet

A street which serves average daily traffic count of over one thousand (1,000) vehicles per day and/or a speed limit over twenty-five (25) miles per hour.	300 feet
All Other Streets	150 feet

- 602.12.4 Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than seventy-five degrees (75°) or more than one hundred five degrees (105°).
- 602.12.5 The cartway edge at intersections shall be rounded by a tangential arc with a minimum radii of fifty-five (55) feet for collector and/or arterial streets, and thirty (30) feet for minor streets. The right-of-way radii at intersections shall be substantially concentric with the cartway edge.
- 602.12.6 There shall be provided and maintained at all existing and proposed intersections a clear-sight triangle with a line of sight between points which are established along the centerline of the intersecting streets. The minimum clear-sight triangle side shall be 150 feet for all street classifications, unless otherwise approved by PennDOT.

Clear-sight triangles shall be indicated on all plans. No building, structure, planting, or other obstruction that would obscure the vision of a motorist shall be permitted within these areas. No obstructions, grading and/or plantings greater than three (3) feet above the cartway grade are permitted in the clear- sight triangle. A public right-of-way shall be reserved for the purpose of removing any object, material or other obstruction to the clear sight.

602.13 Sight Distance.

All intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The sight distance shall be measured at the centerline of the cartway to an object one and one-half (1.50) feet above the pavement, from a height of three and one half (3.50) feet and ten (10) feet from the edge of paving at the intersection. The following are minimum sight distances:

SPEED (M.P.H.)*	STREET GRADE IN PERCENT												
	<1	+1	-1	+2	-2	+3	-3	+4	-4	+5	-5	+6	-6
15	75'	74'	75'	73'	76'	73'	77'	73'	77'	73'	78'	72'	79'
20	109'	108'	110'	107'	111'	106'	112'	105'	113'	105'	114'	104'	115'
25	147'	145'	148'	144'	150'	143'	151'	142'	153'	140'	155'	139'	157'
30	196'	194'	198'	191'	201'	189'	204'	187'	207'	185'	210'	183'	214'
35	249'	245'	252'	242'	256'	238'	260'	236'	265'	233'	269'	231'	274'
40	314'	309'	319'	309'	325'	299'	331'	295'	337'	291'	345'	287'	352'
45	383'	376'	390'	370'	398'	364'	406'	358'	415'	353'	425'	348'	435'

50	462'	453'	471'	444'	481'	436'	492'	429'	504'	421'	517'	415'	531'
55	538'	527'	550'	517'	562'	508'	576'	494'	590'	490'	605'	422'	622'

SPEED (M.P.H.)*	STREET GRADE IN PERCENT													
	+7	-7	+8	-8	+9	-9	+10	-10	+11	-11	+12	-12	+13	-13
15	72'	79'	71'	80'	71'	81'	71'	82'	70'	83'	70'	84'	70'	85'
20	103'	117'	102'	118'	102'	119'	101'	121'	101'	123'	100'	125'	100'	127'
25	138'	159'	137'	161'	136'	164'	135'	166'	134'	169'	134'	172'	133'	175'
30	182'	217'	180'	221'	178'	226'	177'	230'	175'	235'	174'	241'	173'	247'
35	228'	280'	226'	286'	224'	292'	221'	299'	219'	306'	217'	314'	215'	323'
40	284'	360'	280'	369'	277'	379'	274'	389'	271'	401'	268'	414'	266'	428'
45	343'	447'	338'	459'	334'	472'	330'	487'	326'	503'	322'	521'	319'	540'
50	409'	547'	403'	563'	397'	581'	392'	600'	388'	622'	382'	647'	378'	674'
55	475'	641'	467'	660'	461'	682'	454'	706'	448'	733'	442'	762'	437'	795'

*If the 85th percentile speed varies by more than ten (10) miles per hour from the speed limit, the Township may require the 85th percentile speed to be used.

Sight distance for roads with grades greater than thirteen percent (13%) shall be calculated in accordance to the following:

$$SSSD = 1.47 Vt + \frac{V^2}{30(f \pm g)}$$

SSSD = Minimum safe stopping sight distance (feet). V = Velocity of vehicle (miles per hour).

t = Perception time of motorist (average = 2.5 seconds). f = Wet friction of pavement (average = 0.30).

g = Percent grade of roadway divided by 100.

Source: Pennsylvania Code, Title 67. Transportation, Chapter 44, Access to And Occupancy of Highways by Driveways and Local Roads, (January, 1982).

602.13.1 If an application will need a highway occupancy permit from PennDOT for a new road entering onto a State Road, then the application shall be conditioned upon such PennDOT approval and shall not be required to meet this Section 602.13.

602.14 Cul-de-Sac Streets.

Temporary or permanent cul-de-sac streets shall not be approved wherever a through street or loop is practicable, except where the cul-de-sac is clearly the only practical design of the subdivision. Such streets shall serve fewer than ten (10) dwelling units and shall not exceed a centerline distance of one thousand (1,000)

feet in length, measured from the centerline intersection with a street, which is not a cul-de-sac to the center of the cul-de-sac turnaround. The use of such turnaround shall be guaranteed until such time as the street is extended. All cul-de-sac streets, whether permanently or temporarily designed, shall be provided at the closed end with a fully paved turnaround to the specifications stated in Section 602.10 of this Ordinance.

- 602.14.1 If a subdivision or land development will include the provision of a paved Township-approved emergency access driveway at a suitable location, then the Board of Supervisors may approve a longer cul-de-sac length under the waiver provisions of this Ordinance.

602.15 Bicycle Paths.

Separate bicycle paths shall be required when such paths are illustrated on an officially adopted plan, document, and/or map.

The preferred location of bicycle paths is outside of the street right-of-way. Bicycle paths, where located along streets, shall be a three (3) foot wide per traffic lane, and placed in the outside lane of a roadway, adjacent to the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. The lanes shall be delineated with markings, preferably striping, full pavement coloring, pavement markers (dots), or recessed reflectors.

Bicycle paths which are not located along streets shall be a minimum of six (6) feet wide. Surface materials shall be either bituminous mixes, concrete, limestone dust, or an equivalent stabilized material. Gradients of bicycle paths shall not exceed eight percent (8%), except for short distances.

602.16 Alleys.

Alleys are prohibited unless the Township determines a need for secondary access. Alleys shall be limited to providing a secondary means of access to the side and/or rear of those lots with street frontage and designed to discourage through traffic. The following provisions shall apply unless a differing standard applies under the Village Overlay provisions of the Zoning Ordinance. Alleys shall conform to the following standards:

- 602.16.1 Alleys may not be offered for dedication to the Township. Applications for alleys shall be accompanied by a right-of-way agreement, which includes at least the following:
- a) Identification of the entity with responsibility for the alley. This entity shall be principally composed of the owners of land which the alley serves.

- b) Provision for enforcing the agreement upon all parties of the agreement.
- c) Assurance that the alley will be constructed and maintained in conformance with this Ordinance.
- d) A requirement that a future offer of dedication will not be made until and unless the alley is restored to the prevailing standards for a Township street.
- e) A requirement that an offer of dedication will include a reasonable circulation within the public street system.
- f) A method for assessing maintenance repair cost.

602.16.2 A detached garage or the garage portion of a dwelling shall have a minimum setback of 10 feet from the cartway of an alley. Any other accessory structure shall be setback a minimum of 5 feet from an alley, provided it does not obstruct sight distances at corners. In instances where the Zoning Ordinance sets greater yard setbacks, such zoning provisions shall supersede this standard.

602.16.3 An alley serving two-way traffic shall have a minimum cartway width of 16 feet. An alley serving one-way traffic shall have a minimum cartway width of 11 feet. The minimum right-of-way width shall extend at least 2 feet on each side of the cartway, unless a differing standard is provided in the Zoning Ordinance for a particular application.

602.16.4 An alley may not terminate as a cul-de-sac.

602.16.5 A minimum right-of-way width of thirty (30) feet and a minimum cartway width of twenty (20) feet shall be provided for alleys.

602.16.6 On-street parking is prohibited along alleys and this prohibition must be acknowledged both on the Plan and on the site.

602.17 Driveways.

Driveways shall only be used to provide vehicular access between a parking area for a single residential unit of occupancy or agricultural use and a street, alley, or access drive. Driveways shall conform to the following:

602.17.1 Driveways connecting with a non-arterial public street shall be separated by at least one hundred (100) feet of lot frontage and no more than two (2) driveway connections per lot are permitted. However, driveways for townhouses, duplexes and quadplexes may have more than one driveway for each 100 feet of lot frontage, provided the driveways enter onto a local street that will ultimately serve a maximum of 50 dwelling units and which will not serve other through-traffic. For

driveways connecting to arterial streets, see Section 602.04.4.

- 602.17.2 Driveways shall not connect with a public street within forty (40) feet of the right-of-way lines of any intersecting streets, nor within five (5) feet of a fire hydrant. Driveways shall be set back at least two (2) feet from any side lot line, unless a common or joint driveway location is proposed.
- 602.17.3 Driveways shall be located and constructed so that a clear-sight triangle of seventy-five (75) feet, as measured in both directions from intersection of centerline of driveway along the street centerline, and five (5) feet along the driveway centerline, as measured from dedicated right-of-way back onto site; no permanent obstructions over thirty (30) inches above the street grade are permitted in the clear-sight triangle.
- 602.17.4 Driveway intersections shall conform with the sight distance requirements stated in Section 602.13 of this Ordinance.
- 602.17.5 A driveway shall not exceed a slope of eight percent (8%) within twenty (20) feet of the street right-of-way lines.
- 602.17.6 Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved.
- 602.17.7 No driveway width shall exceed twenty-four (24) feet between the street right-of-way and street cartway.
- 602.17.8 All intersections with a State Route shall be subject to the approval of the Pennsylvania Department of Transportation (PennDOT). Any driveway intersecting with a State Route shall obtain a Highway Occupancy Permit from PennDOT prior to receipt of a Building Permit.
- 602.17.9 Driveways shall be paved with bituminous concrete or an equivalent stabilized material from the edge of the street cartway a minimum distance of fifteen (15) feet toward the lot and be provided in a manner consistent with the design, construction, and storm water drainage of the street.
- 602.17.10 Driveways which intersect streets, other than a minor street, shall provide a turnaround, measuring ten (10) feet by twenty (20) feet, within the lot so egress to the street is in a forward direction.
- 602.17.11 The location of driveways shall not interfere with the performance of nearby stormwater collection inlets.

602.18 Access Drives.

Access drives are private drives, which provide vehicular movement between a street and a tract of land containing any use other than one single-family dwelling

unit or farm. Access drives shall conform to the following:

- 602.18.1 The vertical alignments of access drives shall conform to the specifications for streets, as stated in Section 602.08 of this Ordinance.
- 602.18.2 The horizontal alignments of access drives shall be measured along the centerline. Horizontal curves shall be used at all angle changes in excess of two degrees (2°). All curves shall be tangential arcs. The minimum horizontal curve radius shall be seventy-five (75) feet.
- 602.18.3 All access drive intersections shall be:
- a) Subject to approval of the Pennsylvania Department of Transportation (PennDOT) when intersecting a State Route. Copies of Highway Occupancy Permits from PennDOT shall be submitted for all proposed intersections with a State Route prior to Final Plan approval.
 - b) Set back one hundred and fifty (150) feet from the intersection of any street right-of-way lines.
 - c) Set back one hundred and fifty (150) feet from the intersection of any other access drive located upon the same lot (measured from cartway edges).
 - d) Set back fifteen (15) feet from any side and/or rear property lines; however, this setback can be waived along the property line when a joint parking lot is shared by adjoining uses.
 - e) Located in relationship to access drive intersections on adjacent properties to provide safe and efficient movement of vehicles.
 - f) Designed with right angle intersections whenever possible. No access drive intersection shall utilize an angle less than seventy-five degrees (75°), unless turning movement restrictions are imposed.
 - g) Rounded by a tangential arc with a minimum radius of thirty (30) feet. The Township may require fifty-five (55) foot radius where large vehicle turning movements are anticipated.
 - h) Provided with a clear-sight triangle and sight distance as required for a street, in accordance with Sections 602.17.3 and 602.13 of this Ordinance.
 - i) The Board of Supervisors may allow an access drive to serve two or more adjoining lands that contain any use other than one single-family dwelling unit or farm when compliance with all other specified design features is followed.

602.18.4 Access drives which form a cul-de-sac shall not exceed eight hundred (800) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred (100) feet.

The Board of Supervisors, upon the recommendation of the Planning Commission, may permit an alternative turnaround design, including a turnaround incorporated in a parking court or a landscaped island, provided safe movement of traffic is assured.

602.18.5 When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the Plan and properly signed along the cartway.

602.18.6 The following table specifies various access drive width requirements:

Function	Required Cartway Width
Two lanes of traffic with parking	36 feet
Two lanes of traffic without parking	24 feet
One lane of traffic with one lane of parking*	20 feet
One lane of traffic without parking*	12 feet

*The one-way direction of traffic must be identified along the cartway.

602.18.7 The maximum slopes of banks located within twenty (20) feet of the cartway shall not exceed three to one (3:1) for fills, and two to one (2:1) for cuts.

602.18.8 The edge of the cartway shall be a distance of at least fifty (50) feet from the nearest façade of an existing principal structure on any adjoining residential lot.

602.19 Recreation or Non-Licensed Vehicle Crossings of Streets, Alleys, Access Drives, and Driveways.

The following standards shall apply for all recreation or non-licensed vehicle trail crossings (e.g., equestrian, golf carts, off-road vehicles, snowmobiles):

- a) Crossings shall be provided in a manner consistent with the design, construction, and storm water drainage of the street, alley, access drive, or driveway.
- b) Crossings shall be easily identifiable.

- c) Crossings shall be perpendicular to the vehicular traffic movements.
- d) No crossing shall be located between fifteen (15) feet and one hundred fifty (150) feet from the cartway edge of a street, alley, access drive, or driveway intersection.
- e) Crossings shall be provided with a clear-sight triangle of seventy-five (75) feet measured along the centerline of the street, access drive, or driveway, and five (5) feet from the edge of the roadway at the centerline of the recreation vehicular crossing. No obstructions, grading and/or planting greater than three (3) feet above the cartway grade are permitted in the clear-sight triangle. A public right-of-way shall be reserved for the purpose of removing any object, material or other obstruction to the clear sight.
- f) A clear-sight distance, in accordance with Section 602.13 shall be provided at all crossings.
- g) Crossings shall not exceed a slope of eight percent (8%) within twenty- five (25) feet of the cartway being crossed.
- h) Crossings shall be signed to warn motorists and crossers of the crossing. The surface of the crossing shall be brightly painted with angle stripes.
- i) Crossing of collector or arterial streets shall consist of a tunnel, bridging or other suitable measures to assure safe crossing.

602.20 Access Points.

Each subdivision of more than twenty-five (25) lots shall have more than one full access point to a public street or streets existing at the time of filing of the Preliminary Plan.

SECTION 603 VEHICULAR PARKING AND OFF-STREET LOADING FACILITIES.

603.1 Schedule of Required Parking Spaces

The following lists required numbers of parking spaces by use type. Any use involving a combination of several uses shall provide the total number of spaces required for each individual use:

Type of Use	Minimum of One Parking Space for Each
COMMERCIAL USES	
Automobile repair, filling and washing facilities	400 square feet of gross floor and ground area devoted to repair and service facilities
Automobile, boat, and trailer sales	1,000 square feet of gross indoor and outdoor display areas
Bank	300 square feet of gross floor area
Carpeting, drapery, floor covering, and wall covering sales	1,500 square feet of gross floor area
Convenience stores	200 square feet of gross floor area
Commercial Day-Care	300 square feet of gross floor area
Food markets and grocery stores	210 square feet of gross leasable floor area
Funeral homes	150 square feet of assembly area, plus 1 space per employee
Furniture sales	1,500 square feet of display and sales area
Health & Fitness Club	150 square feet of gross leasable floor area
Hotels, motels, tourist homes	1.15 per key (Restaurants and other accessory uses shall add to this requirement.)
Mini-warehouses	25 units plus one per 250 square feet of office space, plus one space per any resident manager
Tavern, Nightclub	50 square feet of gross leasable floor area
Office buildings	300 square feet of gross floor area
Professional offices of veterinarians, physicians, dentists, etc.	250 square feet of gross floor area
Retail stores or shops (except those listed above)	250 square feet of gross leasable floor area
Restaurants	60 square feet of gross leasable floor area
Restaurants, Drive-thru or fast-food	75 square feet of gross leasable floor area
Shopping centers or malls	250 square feet of gross leasable floor area
Other commercial buildings	400 square feet of gross floor area

Type of Use	Minimum of One Parking Space for Each
INDUSTRIAL USES	
Industrial and heavy manufacturing establishments	Two employees on the peak working shift or at least one space per each 1,500 square feet of gross floor area, whichever is the greatest number
Warehousing	Two employees on the peak working shift

Type of Use	Minimum of One Parking Space for Each
RECREATION USES	
Amusement arcades	80 square feet of gross floor area
Athletic fields	Four seats of spectator seating; however, if no spectator seating is provided, a temporary parking area shall be provided on the site. Such area must provide sufficient numbers of spaces to serve all users of the site, and include a fence delineating such parking area.
Bowling alleys, billiards rooms	1/4 lane/table and one per each two employees
Campgrounds	Per campsite, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf courses	1/8 hole, plus one per employee, plus 50% of the spaces normally required for accessory uses
Golf driving ranges	One per tee and one per employee
Miniature golf courses	½ hole and one per employee
Riding schools or horse stables	Two stalls plus one per every four seats of spectator seating
Picnic areas	Per table
Skating rinks	Four persons of legal occupancy
Swimming pools (other than one accessory to a residential development)	Four persons of legal occupancy
Tennis or racquetball clubs	1/4 court plus one per employee plus 50% of the spaces normally required for accessory uses

Type of Use	Minimum of One Parking Space for Each
RESIDENTIAL USES	
Single-family detached residential dwellings	½ dwelling unit (i.e., two spaces per dwelling unit)
Duplex, quadplex, townhouse, or multi-family dwellings (2BR or more)	2/3 dwelling unit (i.e., 1.5 spaces per dwelling unit), plus 1 per 5 dwelling units for guest parking
Multi-family dwellings (1BR)	Dwelling unit (i.e., one spaces per dwelling unit), plus 1 per 5 dwelling units for guest parking
Boarding houses, group homes, and bed and breakfasts	Bedroom

Type of Use	Minimum of One Parking Space for Each
SOCIAL AND INSTITUTIONAL USES	
Indoor Theater and Auditorium, Place of Worship, and other such places of public assembly	3 fixed seats in main assembly area or, when fixed seating is not provided, 1 per every 75 square feet of seating area
Clubs, lodges and other similar places	200 square feet of gross floor area and one per each employee on two largest shifts
Convention Center	175 square feet of gross floor area
Nursing, rest or retirement homes	Three accommodations (beds) in addition to those needed for doctors and support staff
Hospitals,	Spaces shall be provided for visitors, at the rate of at least one space per each 1.5 accommodations (beds). Such spaces shall be in addition to those necessary for doctors and other personnel.
Museums, art galleries, cultural centers, libraries	400 square feet of gross floor area
Rehabilitation centers and clinics (without overnight accommodations)	1/6 physician, dentist and/or therapist (i.e., 6 spaces per physician, dentist and/or therapist
Schools below grade ten, including commercial day-care and kindergarten	Six students enrolled
Schools, tenth grade and above, including colleges	Three students enrolled
Vocational training and adult education facilities	1.5 students enrolled

603.2 Exemptions and Special Conditions for Reducing the Amount of Off- Street Parking Requirements.

The Board of Supervisors may grant developers a conditional reduction in the amount of required off-street parking requirements in accordance with the following criteria.

- a) Shared Parking. The goal of shared parking is that all structures and land uses be provided with a sufficient number of motor vehicle parking spaces, while minimizing impervious surfaces and allowing flexibility of site design to accommodate unique characteristics of individual properties and areas.
 - (1) Calculation Method for Reduced Parking. The total number of required shared parking spaces shall be determined by the following steps:
 - (a) List all land uses intended for shared parking;
 - (b) group the land uses according to the categories in the Shared Parking Demand Chart (Appendix 7);
 - a. Where a use is not specifically identified in the Shared Parking Demand Chart, the applicant shall either provide engineering supported data citing parking demands in a form consistent with Appendix 7 or the Zoning Officer shall make a determination that the proposed use is similar to a use listed in Appendix.

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- (c) calculate the aggregate number of parking spaces required for each category of land use according to the requirements of §603.01;
 - (d) multiply the required number of spaces by the percentage shown in the shared parking demand chart for each hour for each category (for categories with differing values for visitors and employees, select the higher percentage);
 - (e) tally the total number of spaces needed by hour of day;
 - (f) identify the largest number of spaces needed at any time on any day; and,
 - (g) round up to the nearest whole space.
- (2) By-Right use. Cumulative parking requirements for a property containing multiple uses may be reduced in accordance with the above Calculation Method for Reduced Parking.
- (3) Conditional use. The Township Board of Supervisors may permit shared parking as a conditional use for sharing land uses over several lots. The following conditions apply:
- (a) The owners of two or more lots shall have entered into a shared parking agreement.
 - (b) The parties to the shared parking agreement shall be co-applicants for the conditional use.
 - (c) The co-applicants shall submit the following in support of the application: A copy of the shared parking agreement; b. A site plan showing the locations of shared parking spaces and the locations of the sharing land uses; c. A shared parking demand matrix showing the calculated demand for parking spaces by the sharing land uses; and d. A shared parking demand matrix showing the calculated demand for parking spaces for persons with disabilities by the sharing land uses.
 - (d) The shared parking agreement shall have a minimum term of 25 years and shall provide for the following: a) adequate operation, maintenance, control, and security of the shared parking spaces; b) adequate insurance of liability for personal injury and property damage occurring on the shared parking spaces; c) directional signs, visible to motorists and pedestrians, directing them via a safe route of travel to the shared parking spaces; and d) directional signs, visible to motorists and pedestrians, directing them via a safe route of travel to the sharing land uses. All amendments to the shared parking agreement shall be filed with the Zoning Officer.

- (e) The site plan shall contain the following information: a) the location of each shared parking space and the number of shared parking spaces; b) the location of each shared parking space for persons with disabilities and the number of shared parking spaces for persons with disabilities; c) the location of each sharing land use; d) evidence that no shared parking space for persons with disabilities is located farther from the sharing land uses which it serves than the maximum distance permitted by applicable laws and ordinances. All amendments to the site plan shall be filed with the Zoning Officer.
- (f) Change of shared parking spaces and sharing land uses. A change in the number or location of shared parking spaces, or in the size or character of the sharing land uses, shall not affect the conditional use so long as:
 - 1. There is no change in the lots subject to the shared parking agreement, and,
 - 2. it can be demonstrated to the Zoning Officer, as provided in this section, that, following the change, the shared parking spaces are adequate to satisfy the demand for parking by the sharing land uses. A change in the size or character of a sharing land use that renders the number of shared parking spaces inadequate to satisfy the demand for parking by all sharing land uses shall terminate the conditional use as to the changed land use only but shall not affect any other sharing land use.
- (g) Amendment of this section. No amendment of this section (including, without limitation, any change in the shared parking demand chart) shall affect any conditional use granted prior to the amendment. Notwithstanding any such amendment, a conditional use granted under this section shall continue to be governed in all respects by the provisions of this section (including the shared parking demand chart) in effect when the conditional use was granted.
- (h) Expiration of the conditional use. A conditional use shall expire upon the expiration or earlier termination of the shared parking agreement on which it was conditioned.

603.3 Parking for Single-Family Dwellings.

Every single-family dwelling parking spaces must be provided behind the street right-of-way line and may take the form of garages, carports or driveways. The remaining regulations contained in this section do not apply to off-street parking facilities serving one single-family dwelling.

603.4 Surfacing.

All parking lots and loading areas shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface, approved by the Township.

603.5 Separation from Streets and Sidewalks.

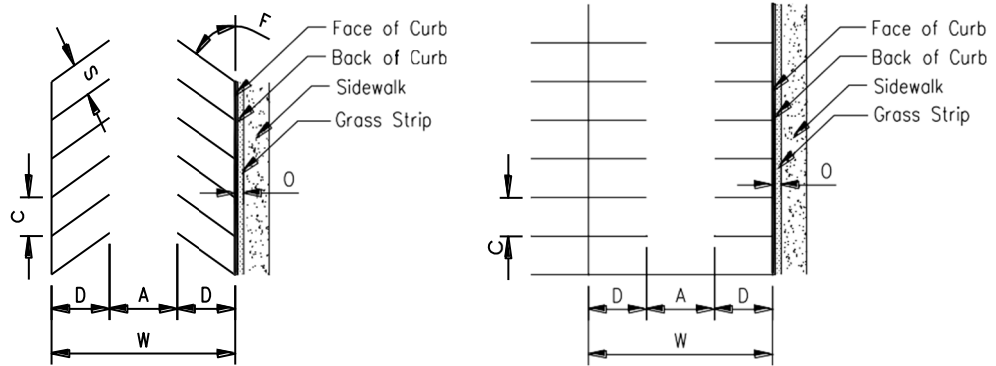
Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked vehicles cannot project into the streets, sidewalks, or setback areas. Overhang dimensions shall be in compliance with the table in 603.07 below.

603.6 Drainage.

Parking lots shall be graded to a minimum slope of three-quarter percent (.75%) to provide for drainage.

603.7 Parking Space Sizes.

Non-parallel parking spaces shall be constructed to meet the criteria of the table and figures below.



F Stall Angle (Degrees)	S Stall Width (ft.)	C Curb Length (ft.)	D Stall Width (ft.)	O* Front Over-Hang (ft.)	A Aisle Width (ft.)	W Module Width (ft.)
90	9.5	9.5	18	3	24	60
60	9.5	11	20.5	2.6	16**	57**
45	9.5	13.4	19.5	2.1	14**	53**

- * Front over-hang may be reduced to 0 where the parking space does not abut a pedestrian walkway.
- ** Accommodates one-way traffic only. For 2-way traffic, use A=24 feet and W=65/63 feet for 60 and 45 degree angled parking, respectively.

Parking Stall and Access Aisle Geometry

Parallel spaces shall be 22' in length by 8' in depth.

Parking spaces for vehicles greater than forty feet (40') in length. shall be 80' in length by 12' in depth.

603.8 Design Standards for Handicapped Parking Spaces.

Off-street parking facilities shall conform with both of the latest versions of the Americans with Disabilities Act Accessibility Guidelines and the International Building Code requirements for Accessible Parking and Passenger Loading Facilities in accordance with the Pennsylvania Uniform Construction Code as adopted by the Township.

603.9 Aisles.

Aisles are intended principally to provide vehicular access within a parking compound and entrance/exit area for individual parking spaces. Aisles may not be used to intersect streets. All aisles shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Aisle in Feet One-Way Traffic	Width of Aisle in Feet; Two-Way Traffic
90 Degrees	24	24
60 Degrees	16	24
45 Degrees	14	24
Parallel	12	24

All aisles in areas where there is no parking permitted shall be twelve (12) feet wide for each lane of traffic.

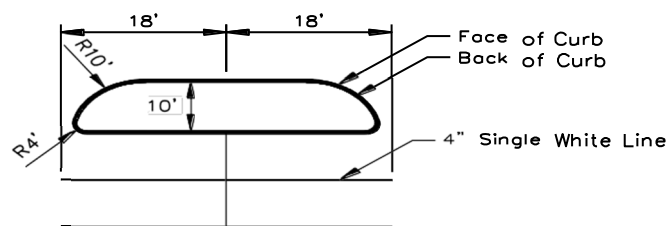
603.10 Marking of Parking Spaces and Interior Drives.

All paved or concrete parking lots shall be adequately marked and maintained for the purpose of defining parking stalls and interior drives. As a minimum, the lines of all parking stalls and interior drives (including directional arrows, etc.) shall be solid and four (4) inches in width. Parking lots with greater than twenty-five (25) spaces shall define parking spaces from access drives by raised curb.

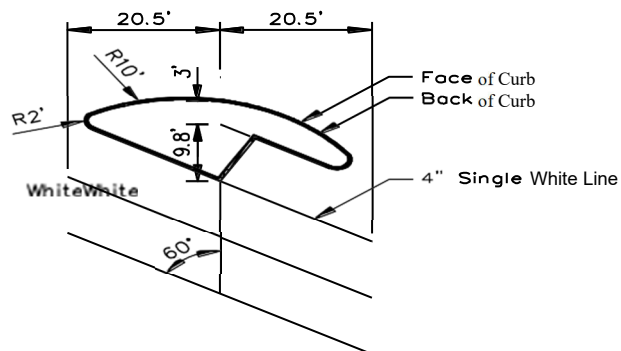
603.11 End Islands.

End Islands shall be delineated by raised curb surrounding a landscaped area. They shall be provided at the ends of parking rows where the row meets an access drive in lots with greater than twenty-five (25) spaces. Typical End Islands for 90-degree and 60-degree parking are shown below.

Typical End-Island Design for 90 Degree Parking



Typical End-Island Design for 60 Degree Parking



603.12 Curb Radii.

Not less than a five (5) foot radius of curvature shall be permitted for horizontal curves in parking areas, unless otherwise depicted above.

603.13 End Stalls.

All dead-end parking lots shall be designed to provide sufficient backup area for all end stalls.

603.14 Lighting.

Adequate lighting shall be provided in parking areas that are to be used at night. The lighting shall be arranged so as not to reflect or glare onto adjoining lots or streets. Light intensities shall be designed so as not to exceed levels indicated in the latest edition of the Illuminating Engineer Society (IES) Handbook for intended use of site. Consideration of adjacent zoning and land use must be reflected in design. All lighting must be shielded to prevent glare onto adjacent properties or rights of way. Light shall not exceed 0.1 footcandles as measured at the property line.

603.15 Perimeter Landscaping.

When a parking lot abuts a street, a landscaped strip shall be provided along the entire street line. This landscaping strip may be located within any other landscaped strip required to be located along a street.

The following lists the required width of landscape strips:

Number of Spaces in Parking Lot Including Joint Facilities	Landscape Strip Width in Feet	
	Side and Rear Yard	Street R.O.W. Line
Less than 100	10	20
Over 250	10	30

Vegetative ground cover alone is not sufficient to meet this requirement. A mixture of deciduous and evergreen trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each seventy-five (75) linear feet of landscaping area. These trees shall have a clear trunk at least five (5) feet above finished-grade level.

603.16 Interior Landscaping.

In any parking lot containing twenty-five (25) or more parking spaces (except a parking garage), five percent (5%) of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping shall be used in the end islands at the end of parking space rows to break up rows of parking spaces at least every 100 parking spaces, and to help visually define travel lanes through or next to the parking lot.

Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping.

For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas.

Ground cover alone is not sufficient to meet this requirement. Interior landscaping shall comply with Section 611.03.

Parked vehicles may not overhang interior landscaped areas more than two and one-half (2 1/2) feet. Where necessary, curbing shall be provided to insure no greater overhang.

If a parking lot of under twenty-five (25) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty-five (25) or more, the interior landscaping shall be provided for the entire parking lot.

603.17 Speed Bumps.

All speed bumps provided as part of access drives or parking lot aisles shall be marked with permanent, yellow diagonal stripes. In no case shall the overall height (or depth) of speed bumps exceed two (2) inches.

603.18 Joint Parking Lots.

In commercial shopping centers over three (3) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty percent (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between every vehicle and each of the shopping center's stores; and,

Required parking spaces may be provided in spaces designated to jointly serve two (2) or more establishments or uses, provided that the number of required spaces in such joint facility shall be less than the total required separately for all such establishments or uses. Where it can be conclusively demonstrated that one (1) or more such uses will be generating a demand for parking spaces, primarily during periods when the other use(s) is not in operation, the total number of required parking spaces may be reduced to:

- 603.18.1 That required number of spaces that would be needed to serve the use generating the most demand for parking; plus,
- 603.18.2 Twenty percent (20%) of that number of required parking spaces needed to serve the use(s) generating the demand for lesser spaces.

603.19 Prohibited Uses of a Parking Lot.

Automobile parking lots are for the sole purposes of accommodating the passenger vehicles of persons associated with the use which requires them. Parking lots shall

not be used for the following:

- 603.19.1 The sale, display or storage of automobiles or other merchandise, except as provided under provisions of Section 301.10 of the Zoning Ordinance;
- 603.19.2 Performing services (including services to vehicles);
- 603.19.3 Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended; and,
- 603.19.4 Except in specifically designated areas, the parking of recreational vehicles as defined herein; and,

603.20 Schedule of Off-Street Loading Spaces Required.

The following lists required numbers of loading spaces by use type:

Type of Use	Number Spaces Per	Gross Floor Area
Hospital or other institution	None 1.0 +1.0	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Hotel, motel and similar lodging facilities	None 1.0 +1.0	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Industry or manufacturing	None 1.0 +1.0	First 2,000 square feet 2,000 to 25,000 square feet Each additional 40,000 square feet (or fraction)
Multi-family dwelling	None 1.0 +1.0	Less than 100 dwelling units 100 to 300 dwelling units Each additional 200 dwelling units (or fraction)
Office building, including banks	None 1.0 +1.0	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Retail sales and services, per store	None 1.0 2.0 +1.0	First 2,000 square feet 2,000 to 10,000 square feet 10,000 to 40,000 square feet Each additional 100,000 square feet (or fraction)
Shopping centers (integrated shopping centers, malls and plazas) having at least 25,000 square feet	1.0 +1.0	25,000 square feet up to 100,000 square feet Each additional 100,000 square feet
Commercial courtyards and/or main street settings within the VO Zone	None 1.0 +1.0	First 5,000 square feet 5,000 to 10,000 square feet Each additional 10,000 square feet (or fraction)
Theater, auditorium, bowling alley, or other recreational establishment	None 1.0 +1.0	First 10,000 square feet 10,000 to 100,000 square feet Each additional 100,000 square feet (or fraction)
Undertaking establishment or funeral parlor	None 1.0 +1.0	First 3,000 square feet 3,000 to 5,000 square feet Each additional 10,000 square feet (or fraction)

Wholesale or warehousing (except mini-warehousing)	None 1.0 +1.0	First 1,500 square feet 1,500 to 10,000 square feet Each additional 40,000 square feet (or fraction)
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Off-street loading spaces shall conform with the following:

- 603.20.1 No exterior portion of an off-street loading facility (including access drives) shall be located within fifty (50) feet of any land within a residential zone. Where possible, off-street loading facilities shall be located on the face of a building not facing any adjoining land in a residential zone;
- 603.20.2 Every loading space shall be connected to a street by means of an access drive. The access drive shall be at least twenty-four (24) feet wide for two- way travel, or fifteen (15) feet wide for one-way travel, exclusive of any parts of the curb and gutters. Section 602.18 specifies other requirements for access drives;
- 603.20.3 Off-street loading spaces shall be designed so that there will be no need for service vehicles to back over streets or sidewalks. Furthermore, off-street loading spaces shall not interfere with off-street parking lots;
- 603.20.4 Off-street loading facilities (including access drives) shall be drained to prevent damage to other properties or public streets. Furthermore, all off- street loading facilities shall be designed to prevent the collection of standing water on any portion of the loading facility surface, particularly next to access drives;
- 603.20.5 The following lists required minimum loading space sizes, in feet (excluding access drives, entrances, and exits):

Facility	Length	Width	Height (If Covered or Obstructed)
Industrial, Wholesale and Storage Uses	63 feet	12 feet	15 feet
All Other Uses	33 feet	12 feet	15 feet

- 603.20.6 Adequate lighting shall be provided if the loading facility is to be used at night. The lighting shall be arranged so as not to be directed, reflected or cause glare off of the site;
- 603.20.7 All off-street loading facilities shall be surrounded by a fifteen-foot-wide landscape strip, designed in accordance with Section 611.04 of this Ordinance.

603.21 Fire Lanes.

Fire lanes shall be provided where determined necessary by the Zoning Officer as provided for in accordance with the provisions of the Pennsylvania Uniform

Construction Code as adopted by the Township.

603.22 Parking designed for vehicles greater than forty feet (40') in length, shall conform with the following provisions:

- a) Parking spaces shall be 80 feet in length by 12 feet in depth.
- b) The location of such parking spaces shall be illustrated on the final plan.
- c) Parking spaces shall be identified with adequate signage.
- d) The plan shall ensure that the location of such parking spaces limits vehicle circulation/traffic issues and pedestrian safety issues for patrons and employees.

603.23 Curbside Pick-up. Parking spaces used for curbside pick-up shall conform with the following provisions:

- a) The location of curbside pick-up spaces shall be illustrated on the final plan.
- b) Curbside pick-up spaces shall be identified with adequate signage.
- c) The plan shall ensure that the location of such curbside pick-up spaces limits vehicle circulation/traffic issues and pedestrian safety issues for patrons and employees.

SECTION 604 SIDEWALK AND CURB.

604.01 Sidewalk.

Sidewalk shall be provided in all residential areas where the majority of lots have less than one hundred (100) feet of street frontage, or land developments with an average gross density of four (4) or more dwelling units per acre. Additionally, sidewalk shall be required in the following circumstances:

- a) To continue existing sidewalk systems to the terminus of a service area or block.
- b) To provide access to vehicular parking compounds, school bus zones, or recreational facilities.
- c) To provide access to and/or within a commercial, industrial, or other community facilities.

604.01.1 Sidewalk which is located along streets or access drives shall be located along the

side(s) of the street upon which lots front and pedestrian traffic is anticipated.

- 604.01.2 Sidewalk which is provided off-street or off-access drives shall be located along anticipated pedestrian traffic routes.
- 604.01.3 Sidewalk located adjacent to streets shall be constructed in accordance with the latest edition of Township's *Improvements Specifications Manual*.
- 604.01.4 Sidewalk located outside of the public right-of-way, (e.g., adjacent to driveways, access drives, and parking compounds) may be constructed of any stable and mud-free material. Sufficient protection shall be provided to restrict parked vehicles from encroaching onto the sidewalk.
- 604.01.5 Sidewalk shall have a minimum width of four (4) feet.
- 604.01.6 Sidewalk shall be graded so as to discharge storm water runoff. A minimum cross slope of two percent (2%) shall be provided.
- 604.01.7 Sidewalk along streets shall be located two (2) feet inside the street right-of-way and where feasible, shall be physically divided from the street cartway by curb and five (5) feet grass planting strip.
- 604.01.8 Maintenance and repair cost for sidewalk is the sole responsibility of the landowner.
- 604.01.9 Pedestrian easements, which may be required by the Township to facilitate pedestrian circulation or to give access to community facilities, shall have a minimum right-of-way width of ten (10) feet to accommodate a walkway width of four (4) feet. This walkway shall be improved to the standards assigned by the Township.
- 604.01.10 Sidewalks shall conform with the Americans With Disabilities Act Accessibility Guidelines.
- 604.01.11 The Township Board of Supervisors may accept an offer by the applicant for a fee in lieu of the installation of required sidewalks, when it is determined that one or more of the following conditions exist:
- a) Sidewalks or walkways are scheduled for installation as part of a Township, County, or State project that has been funded for construction;
 - b) The potential of negative impacts of sidewalks or walkways to public safety, surrounding environmental features, or the local ecology will outweigh the need for the sidewalks or walkways in the particular location;
 - c) The sidewalks or walkways are not logical extensions of or links to other existing or proposed pedestrian facilities within the development site or on lots adjacent to the development site;

d) Sidewalks or walkways cannot physically be accommodated due to physical conditions and obstructions.

604.01.12 The fee amount shall be determined by the Township Board of Supervisors and shall not exceed up to 110% of the current construction cost for the required sidewalk being paid by fee in lieu. The applicant shall submit an estimate of the cost for review and recommendation by the Township Engineer prior to approval by the Township Board of Supervisors.

604.02 Curb.

Curb shall be provided in accordance with the following specifications.

604.02.1 Curb shall be provided wherever sidewalks are installed along streets or access drives.

604.02.2 Depending on storm drainage conditions, curb may be required in blocks where a street grade exceeds five percent (5%).

604.02.3 The Township may require curb where unusual or particular conditions prevail with respect to storm water runoff, traffic, on-street parking and/or safety of pedestrians.

604.02.4 Transitions in curb type shall be subject to approval by the Township.

604.02.5 Curb shall be constructed in accordance with the latest edition of Township's *Improvements Specifications Manual*.

604.02.6 Curb shall conform with the Americans With Disabilities Act Accessibility Guidelines.

SECTION 605 BLOCKS AND LOTS

605.01 General.

The configuration of blocks and lots shall be based upon the lot area requirements, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

605.02 Residential Blocks.

All blocks in a residential subdivision shall have a maximum length along any side of sixteen hundred (1,600) feet. Where practical, the minimum length of any side shall be three hundred (300) feet.

605.03 Non-Residential Blocks.

Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation, and salient natural features.

605.04 Lot Configuration.

605.04.1 Whenever practical, side lot lines shall be radial to street lines.

605.04.2 In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.

605.04.3 Lots with areas that are two or more times the minimum area requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision. The Township may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.

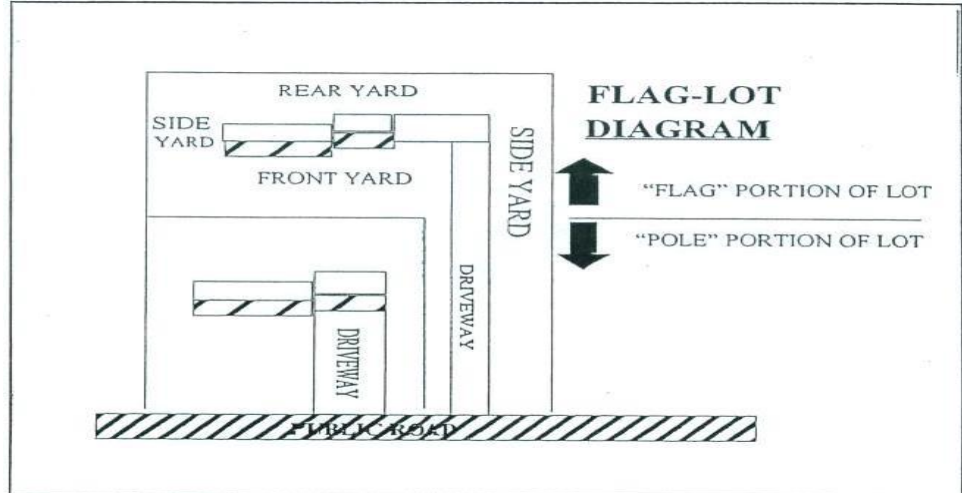
605.04.4 All lots shall front on a public street.

605.04.5 Double Frontage Lots are prohibited. A double frontage lot fronts upon two parallel streets or upon two streets which do not intersect and vehicular access is provided to both streets. The Township permits Reverse Frontage Lots as provided in Section 605.04.06.

605.04.6 Reverse Frontage Lots front upon two parallel streets, or upon two streets which do not intersect, and vehicular access is provided to only one (1) of the streets. All residential Reverse Frontage Lots shall designate one (1) frontage as the rear yard with a minimum depth of seventy-five (75) feet and have a planted buffer easement of at least twenty (20) feet in width located immediately contiguous to the street right-of-way. Vehicular access shall be prohibited from the rear of Reverse Frontage Lots.

All Reverse Frontage Lots shall include an identification of the frontage for use as a road access. The street designated for frontage must be consistent with contiguous lots.

605.04.7 Flag-Lots - Flag-lots shall only be permitted where specifically provided for within the Silver Spring Township Zoning Ordinance, and then only in compliance with the following:



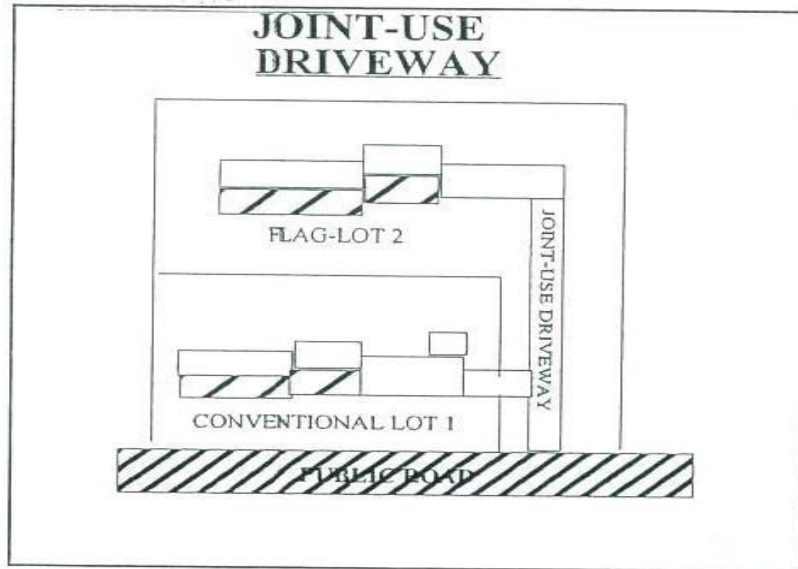
- a) For the purposes of this Section a flag-lot shall be described as containing two parts: (1) The **“flag”** shall include that portion of the lot that is the location of the principal and accessory structures. (2) The **“pole”** shall be considered that portion of the site that is used for vehicular access between the site and its adjoining road.
- b) Requirements for the Flag -
- 1) The minimum lot area and lot width requirements of the Township Zoning Ordinance shall be measured exclusively upon the flag.
 - 2) For purposes of determining required yards and setbacks, the following shall apply:

Front yard - The area between the principal structure and that lot line of the flag which is most parallel to the street providing vehicular access to the site. Additionally, all areas of the pole shall be considered to be within the front yard;

Rear yard - The area between the principal structure and that lot line of the flag that is directly opposite the front yard, as described above;
and,

Side yards - The area between the principal structure and that one (1) outermost lot line which forms the flag and pole, plus the area on the opposite side of the principal structure. (See the preceding Flag-Lot Diagram for a graphic depiction of the yard locations)

- 3) The flag-lot shall contain adequate driveway dimension for vehicular backup so that ingress to, and egress from, the lot is in the forward direction.
- c) Requirements for the Pole -
- 1) The pole shall maintain a minimum width of twenty (20) feet.
 - 2) The pole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
 - 3) No part of the pole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements such as landscaping, fencing, utility connections to off-site facilities, mailboxes, and signs.
 - 4) The cartway contained on the pole shall be located at least three (3) feet from any adjoining property line, and twenty (20) feet from any existing structures on the site or any adjoining property.
 - 5) No pole shall be located within two hundred (200) feet of another on the same side of the street, unless a joint-use driveway is utilized as regulated as follows:
- d) Joint-Use Driveways -
- 1) When one or more flag lots are proposed, such lots may rely upon a joint-use driveway for vehicular access.
 - 2) A joint-use driveway must serve at least one flag-lot, but may also serve conventional lots, up to a maximum of two total lots.
 - 3) All joint-use driveways shall have a minimum cartway width of twelve (12) feet. Joint use driveways with a length exceeding 200 feet shall provide a sixteen (16) feet wide turnout area at least twenty (20) feet in length located every two hundred (200) feet along the driveway.
 - 4) Cross access 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.



605.04.8 All remnants of land (areas remaining after subdivision) shall conform to the lot area and configuration requirements.

605.04.9 All lots shall be designed to provide sufficient building area based upon building setbacks, easements, floodplains, etc.

605.05 Lot Size and/or Intensity.

Lot areas shall conform with the prevailing Silver Spring Township Zoning Ordinance requirements.

SECTION 606 BUILDING SETBACK LINES AND BUILDING SEPARATIONS.

The building setback lines and building separations shall conform with the prevailing Silver Spring Township Zoning Ordinance requirements.

SECTION 607 EASEMENTS.

Easements for sanitary sewer facilities, storm water drainage facilities, public utilities, or pedestrian access shall meet the following standards:

607.01 To the fullest extent possible, easements shall be adjacent to property lines.

607.02 Nothing shall be placed, planted, set, or put within the area of an easement.

607.03 The Plan and easement agreement shall clearly identify who has the right-of- access and responsibility for function of the easement area.

607.04 Pedestrian easements shall have a minimum width of ten (10) feet.

- 607.05 Sanitary sewer and water supply easements shall have a minimum width of twenty (20) feet. Easements that propose the co-location of utilities shall have a minimum width of twenty (20) feet and an additional ten (10) feet in width for each additional utility.
- 607.06 Storm water easements shall have a minimum width of twenty (20) feet and shall be adequately designed to provide area for (a) the collection and discharge of water, (b) the maintenance, repair, and reconstruction of the drainage facilities, and (c) the passage of machinery for such work.
- 607.07 Where any electric or telephone transmission or petroleum product transmission line traverses a property, the applicant 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 petroleum or petroleum product transmission line. All applications shall include a copy of the recorded agreement or a letter from the owner of the transmission line stating any conditions on the use of the tract and the right- of-way width.
- 607.08 The maximum slope of the finished grade of a utility easement shall not have a cross slope greater than 4:1.

SECTION 608 SURVEY MONUMENTS AND MARKERS.

- 608.01 Permanent stone or concrete monuments shall be accurately placed along one side of the right-of-way lines of street. These monuments shall be placed at the limits of property; points of curvatures, intersection and tangency. The Township Engineer may recommend the increase or decrease amount of monumentation based upon specific site conditions.
- An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.
- 608.02 Markers shall be set at all points where lot lines intersect curves and/or other property lines, and at both high and low elevation points to provide easy identification.
- 608.03 Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or pre-cast monuments shall be marked on the top with a proper inscription and a drill hole.
- 608.04 Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter.
- 608.05 All monuments and markers shall be placed by a registered land surveyor so that

the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.

608.06 All monuments/markers shall be set flush with the finished grade, except for temporary placement and/or woodland conditions.

608.07 All existing monuments and lot line markers shall be delineated on the Preliminary Plan. All existing and proposed monuments and lot line markers shall be delineated on the Final Plan.

SECTION 609 STORM WATER MANAGEMENT.

All subdivision and land development plans shall conform with the Silver Spring Township Storm Water Management Ordinance of 2022, as amended.

SECTION 610 FLOODPLAIN AND WETLAND.

610.01 All subdivision and land development plans shall conform with the floodplain standards specified in the Silver Spring Township Zoning Ordinance, as amended.

610.02 All subdivision and land development plans shall identify the location of existing wetland as determined by the standards of either the U. S. Environmental Protection Agency; U.S. Army Corps of Engineers; Pennsylvania Department of Environmental Resources; or the U. S. Soil Conservation Service. Wetland areas are not limited to those areas delineated on wetland maps prepared by the U. S. Fish and Wildlife Service. Any proposed encroachment into the wetland shall include a copy of the permit or approval from the applicable State and Federal agencies. No action by the Township shall be relied upon in lieu of a permit issued by the appropriate agency.

SECTION 611 LANDSCAPING.

611.01 Protection of Natural Features

The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving, and destruction of natural amenities. Natural features shall be preserved and incorporated into the final landscaping wherever possible and desirable. The applicant shall demonstrate the means whereby the natural features shall be protected during construction.

611.02 Street Trees.

Street trees shall be provided along all new road frontages in the Commercial, Office, and Industrial Zoning Districts. Street trees shall conform to the following standards:

- a) The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees shall be subject to the approval of the Township. The applicant is encouraged to be creative in selecting tree varieties and locations to achieve a pleasing appearance.
- b) All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
- c) The trunk diameter, measured at a height of six (6) inches above finish grade, shall be a minimum of two (2) inches.
- d) Trees shall be planted between the street right-of-way line and the building setback line, at a maximum spacing of seventy-five (75) feet. The following varieties are acceptable trees:

American Elm (Dutch Elm resistant cultivars)*	Green Ash*	Sweetgum
American Linden	Laurel Oak	'Rotundiloba'
American Planetree	London Planetree	Thornless
American Red Maple	Northern Red Oak	Honeylocust*
Black Gum*	Post Oak	White Ash*
Black Oak Burr Oak	Red Oak*	Willow Oak
Chestnut Oak	Southern Red Oak	White Oak*
	Sugar Maple	
	Swamp White Oak	

* Considered to be salt resistant

-In addition, other tree varieties are acceptable with Township approval.

- e) All planting shall be performed in conformance with good nursery and landscape practice.
- f) Requirements for the measurements, branching, grading, quality, balling, and the burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1-1973, as amended.

611.03 Strips and Interior Landscaping.

Any required landscaping shall include a combination of three (3) or more of the following elements: deciduous trees, ground covers, evergreens, shrubs, vines, flowers, rocks, gravel, earth mounds, berms, walls, fences, screens, sculptures, fountains, sidewalk furniture, or other approved materials. Artificial plants, trees, and shrubs may not be used to satisfy any requirement for landscaping or screening. No less than eighty percent (80%) of the required landscape area shall be vegetative in composition, and no outdoor storage shall be permitted within required landscape

areas.

For each seven hundred and fifty (750) square feet of required area for landscape strips, one shade/ornamental tree shall be provided. For every three hundred (300) square feet of interior landscaping required (parking lots), one shade tree shall be provided. If deciduous, these trees shall have a clear trunk at least five (5) feet above finished grade; if evergreen, these trees shall have a minimum height of six (6) feet. All required landscape strips shall have landscaping materials distributed along the entire length of the lot line abutting the yard;

611.04 Landscape Screening.

Where screening is required by this Ordinance or the Zoning Ordinance, it shall consist of primarily evergreen plantings. The Township may also require the construction of a weather-resistant fence. The applicant may construct a decorative masonry wall in place of a fence. Where there are substantial reasons for concern about compatibility of a non-residential use adjacent to a residential district, the Board of Supervisors may require the construction of a landscaped earthen berm with a minimum average height of 5 feet and a maximum side slope on the residential side of 3:1. The business side of a berm may utilize a retaining wall. The required plantings shall be on the residential side of any berm, wall or fence. A visual screen shall be placed in a landscape strip with a minimum width of 10 feet, unless a wider width is required by another section of this Ordinance or the Zoning Ordinance. Any wall or fence shall not be constructed of corrugated metal, corrugated fiberglass, or sheet metal. Screening shall be arranged so as to block the ground level views between grade, and a height of six (6) feet. Landscape screens must achieve this visual blockage within two (2) years of installation;

611.05 Landscape Materials.

Trees and shrubs shall be typical of their species and variety; have normal growth habits, well-developed branches, densely foliated, vigorous, fibrous root systems. They shall have been grown under climatic conditions similar to those in the locality of the project or properly acclimated to conditions of the locality of the project.

Any tree or shrub which dies shall be replaced. All landscaping and screening treatments shall be properly maintained; and,

611.06 Ground Cover.

Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone, pine needles, bark mulch, or other solid material shall be protected with a vegetative growth. Varieties of ground cover shall be subject to the approval of the Township.

SECTION 612 STEEP SLOPE CONSERVATION.

Steep slope conservation standards shall apply to where construction and/or modifications to the existing topography or vegetative cover is located within areas which contain twenty-five percent (25%) or greater slope.

612.01 Boundary Interpretation

An initial determination as to whether the steep slope conservation standards apply to a subdivision or land development plan shall be based upon the presence of twenty-five percent (25%) or greater slope, as documented in one of the following:

- a) The Cumberland County Soil Survey, the U. S. Soil Conservation Service; or,
- b) The topographic survey prepared by the United States Geodetic Survey.

Should a dispute arise concerning the boundaries of any steep slope conservation area, a topographic survey prepared by a registered land surveyor with minimum vertical intervals of five (5) feet shall be submitted. Final boundary interpretation shall be made by the Township.

612.02 Average Slope.

On property which contains slopes of twenty-five percent (25%) or greater, the average slope of the lot shall be determined by the following formula and identified on the plan:

$$\frac{.000023 \times I \times L}{A} = S$$

- .000023 =conversion factor of square feet to acres
- I =ten (10) foot contour interval
- L =combined length of contour lines in feet
- A =lot area in acres
- S =average slope in percent

This calculation use for General Design Requirements Section 612.03, not for determination of Section 402.05.5 requirements.

612.03 General Design Requirements.

The following requirements are based upon the average slope of a lot. Whenever other ordinances or regulations impose more restrictive standards than those contained herein, the more restrictive shall apply.

Average Slope of Lot	Minimum Percent of Undisturbed Area ¹	Maximum Impervious Surface
25—30%	85%	10%
Over 30%	90%	10%

¹Undisturbed area shall be defined as land in its natural state before development.

612.04 Setback.

No change in existing topography, which results in a slope greater than the pre-development condition, may be located within twenty-five (25) feet of the neighboring property.

612.05 Design Information.

The application shall include the information specified in Section 402.05.5.

SECTION 613 SANITARY SEWAGE DISPOSAL.

613.01 When, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, a Sewer Facilities Plan Revision (Plan Revision Module for Land Development), Supplement, Planning Exemption or Waiver is required, approval from the Pennsylvania Department of Environmental Protection shall be submitted as a condition of Final Plan approval.

613.02 The applicant shall provide the type of sanitary sewage disposal facility consistent with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

613.03 Sanitary sewer systems shall be designed in accordance with the prevailing rules and regulations of the Pennsylvania Department of Environmental Protection and the Silver Spring Township Authority. Notification from the Silver Spring Township Authority of the existing ability to provide sanitary sewer service, approval of the design plans and acceptance of Performance Guarantees shall be submitted as a condition of Final Plan approval.

If sanitary sewage disposal is to be provided by means other than by an individual on-lot system for use by a single unit of occupancy, the Final Plan application shall include:

- a) Evidence that the supplier is a certificated public utility; a bona fide cooperative association of lot owners; or a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- b) Notice of approval of the design, capability to service, method of installation, and possible financial guarantee from the provider.
- c) Appropriate measures, as deemed necessary by the Board of Supervisors, to ensure adequate future maintenance of the system.

- 613.04 Where individual on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface sewage disposal system and a replacement system at a safe distance from building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Protection, as amended, and the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

SECTION 614 WATER SUPPLY.

- 614.01 When, in accordance with Section 402.05.3, a report on water supply is required, the application must demonstrate that the groundwater recharge on the subject property after development, during drought conditions (precipitation at forty percent [40%] below normal) will exceed the anticipated water usage and that the project will not lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property below safe levels.
- 614.02 Water supply systems shall be designed in accordance with the prevailing rules and regulations of the Pennsylvania Department of Environmental Protection and any applicable bona fide water authority, or cooperative association of lot owners. Notification from the appropriate authority or association of the existing ability to provide water service, approval of the design plans, and acceptance of Performance Guarantees shall be submitted as a condition of Final Plan approval.
- 614.03 Wherever the water supply system contains sufficient capability or will in the foreseeable future, with or without developer assistance, fire hydrants shall be provided. Fire hydrants and their location shall meet the specifications of the Emergency Management Council. Fire hydrants shall typically be located at street intersections no more than ten (10) feet from the curb. All fitting types shall be in accordance with the standards of the applicable fire department. The large fitting shall face the street and be a minimum of sixteen (16) inches above the ground level.
- 614.04 Where individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.
- 614.05 If water is to be provided by means other than by an individual on-site water supply system (wells that are owned and maintained by the individual lot owners), the Final Plan application shall include:
- a) Evidence that the supplier is a certificated public utility; a bona fide cooperative association of lot owners; or a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question,

whichever is appropriate, shall be acceptable evidence.

- b) Notice of approval of the design, installation, and possible financial guarantee from the provider.
- c) Appropriate measures, as deemed necessary by the Board of Supervisors, to ensure adequate future maintenance of the system.

SECTION 615 PARK, OPEN SPACE AND TRAIL PROVISION.

This section shall apply only to any residential subdivision or land development applications and plans filed after the effective date of this ordinance.

This section shall not apply to:

- a) Applications and plans that the Township Board of Supervisors determine as minor adjustments or corrections to applications and plans;
- b) Public schools, or buildings associated therewith;
- c) The Township, any authority created by the Township, or any other Township agency; and
- d) Agricultural uses.

Such exemptions are granted on the basis that schools, local government agencies and agriculture serve an overriding public interest which warrants an exemption from donation of land or recreation fee. It is the purpose of this section to implement the language contained in Section 503(11) of the Pennsylvania Municipalities Planning Code and thereby provide needed recreation/open space to accommodate growth.

All park, open space and trail proposals shall be submitted for review by the Silver Spring Township Recreation Advisory Council.

615.01 Mandatory Dedication.

- a) Prior to Final Plan approval, any subdivision or land development that would result in the creation of one or more new dwelling units shall be required to dedicate a minimum of .037 acres of park, open space or trails, per dwelling unit to the Township. The land dedicated for parks, open space or trails shall meet the requirements in Section 615.02, below.
- b) As an alternative to dedication, and upon agreement with the Board of Supervisors, the applicant may agree to provide any of the following:
 - (1) Construct and/or improve existing recreation facilities in accordance with

the Comprehensive Recreation, Parks and Open Space plan upon agreement and final approval of the recreational facilities design by the Board;

- (2) Pay a fee-in-lieu of dedication as established by resolution of the Board of Supervisors;
- (3) Guarantee the private reservation and maintenance of parks, open space or trails, designed to meet the requirements in Section 615.02; or
- (4) Provide for any combination of the above.

The total value of the preceding alternatives must be at least equal to the predevelopment fair market value of the acreage which would have been otherwise required for dedication unless the fee-in-lieu of dedication is the only alternative used without combination with other alternatives, in which case only the fee established by the Board is required to be paid. Fair market value shall be submitted by the developer and determined by a Member of the Appraisal Institute of the American Institute of Real Estate Appraisers (MAI) and shall include any documentation used to derive the site's fair market value. The appraisal required by this subsection shall be prepared by an MAI appraiser with no interest, financial or otherwise, in the affected property or development application. Should the Township dispute the appraised fair market value, it shall reserve the right to obtain its own appraisal, and, in the event that the Township appraisal is valued at less than 10% greater than the applicant's appraisal, the value shall be the average of the two appraisals. In the event that the Township appraisal is valued 10% greater or more, than that of the applicant, then a third appraiser shall be selected by agreement of the Township and applicant to be paid for by the applicant, to resolve the difference. The determination of the third appraiser shall be final.

- c) The land or fees, or combination thereof under Section 615.01.b are to be used only for the purpose of providing, acquiring, operating or maintaining park or recreation facilities reasonably accessible to the development.

615.02 Park, Open Space and Trail Land Requirements.

The land to be utilized as parks open space and/or trails shall be in accordance with the principles and standards contained in the *Silver Spring Township Comprehensive Parks, Recreation and Open Space Plan*, and/or the *Official Map*.

- a) All lands for park, open space and trails shall meet the following criteria:
 - (1) Land shall be located and designed so that safe and convenient access

shall be provided via public sidewalks or trails.

- (2) In order to create a single, larger recreation site, the land shall, where feasible, be located adjacent to existing parkland, protected open space, undeveloped tracts, or other dedicated tracts.
- (3) The land shall comprise of a single parcel of land except where the Board of Supervisors determines that two or more parcels would be in the public interest.
- (4) The land shall contain 50 feet or more of street frontage.
- (5) Each land area set aside for park, open space and trails shall have access for maintenance and emergency purposes with at least one area available for vehicular access that is no less than twenty-four (24) feet in width.
- (6) The site shall be sized and configured so as to accommodate its intended uses. Where active recreation is proposed, the applicant shall demonstrate that the land is configured to accommodate recreation activities proposed by the plan. Sites intended for active recreation shall not contain wetlands or slopes over eight percent (8%).
- (7) Where trails are provided, the land area shall include a trail easement with a width of fifteen (15) feet, minimum.
- (8) Land may meet the dedication requirement by providing a public trail connection, extending an adjoining public park, constructing a new trail, or providing an outdoor area accessible to employees and/or the public.
- (9) If an existing park or trail is contiguous, the land shall connect to the existing park or trail, as an expansion of the existing facility.
- (10) The site shall have suitable topography and soil conditions for the proposed recreation and/or open space use. No more than fifteen percent (15%) of the site shall be comprised of floodplains, storm water management facilities, and/or slopes exceeding three percent (3%).
- (11) A landscape plan, prepared by a registered Landscape Architect, shall be submitted for each site. Any unimproved site shall be provided with landscape material and/or ground cover, in accordance with Section 611.05 and 611.06.
- (12) The site shall be located and designed to conveniently access proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above-ground protrusion of an

underground utility, should be permitted in active play areas of the site.

- (13) No part of the site shall be calculated as part of any required setback, yard, and/or open space for adjoining lots or uses as regulated by the Zoning Ordinance.
- b) For land to be dedicated to Silver Spring Township:
- (1) The Township shall have the right to refuse dedication of lands, in which instances the land shall be owned and maintained by a Community Association for use by residents of the development.
 - (2) The land shall contain a minimum of five acres in area for park or open space area, contiguous in shape with soil conditions and slope suitable for developing recreational facilities.
 - (3) The Township may require that the land is accessible to, and that the developer extend utilities such as sewer, water and electricity to the site.
 - (4) Where the land dedication is intended to be incorporated into the Township trail system, such trail shall be consistent in location, design, dimension and route with the Township *Comprehensive Parks, Recreation and Open Space Plan, Greenway Plan, and/or Official Map*. Trails will be constructed as specified in the *Silver Spring Township Improvements Specifications Manual* as amended, and/or subsequent trail plan adopted by the Township.
 - (5) Land dedicated to the Township shall not contain stormwater facilities serving the development.
 - (6) The cost of improving a trail or walkway is to be provided by the developer in order to accommodate its intended use. This shall not be considered a credit towards a fee in lieu of land dedication.
- c) In special instances, the Township may waive any or all of the preceding design standards. In such instances, the applicant must demonstrate that the public will be better served by some alternate design that would accomplish at least one of the following objectives:
- (1) Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, etc.).
 - (2) Protection of important historical and/or archaeological sites.

- (3) Integration of parks, open spaces and trails throughout the development that link residences with on-site or adjoining parks, schools, or other similar features.

615.03 Parkland Capital Reserve Fund.

Any funds collected as fees-in-lieu of dedication of park, open space and trails shall be deposited in an interest-bearing account. This account shall be separate from other municipal accounts and shall be clearly identified as reserved for providing, acquiring, operating or maintaining park, open space, trails and associated recreational facilities. Interest earned on all monies deposited in such accounts shall become funds of that account.

SECTION 616 MATERIALS AND WASTE HANDLING REQUIREMENTS

All commercial, industrial, institutional, and health-care related uses shall be required to provide detailed information regarding materials and waste handling, including:

- 616.01 Listing of all materials to be used and/or produced on the site;
- 616.02 Listing of all wastes generated on the site; and,
- 616.03 Written evidence that the storage, treatment, processing, transfer, and disposal of all materials and wastes shall be accomplished in a manner that complies with all applicable Federal, State, County, and municipal requirements, including, but not limited to, the following:
 - a) The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101);
 - b) The Pennsylvania Solid Waste Management Act (Act 97);
 - c) The Federal Emergency Management Act;
 - d) The Federal Superfund Amendment and Reauthorization Act;
 - e) The Pennsylvania Hazardous Materials Emergency Planning and Response Act; and,
 - f) The Pennsylvania Low-Level Radioactive Waste Disposal Act.

SECTION 617 KARST AREAS

The following regulations shall apply to all land development or subdivision applications pertaining to commercial, governmental (except those owned by the

Township), institutional and industrial / office structures, apartment complexes and residential developments.

- 617.01 Subdivisions of less than five (5) single family homes, and the alteration of single family homes to include detached structures such as garages, barns and swimming pools, shall be exempt from these regulations and are not required to provide a Carbonate Assessment Report.
- 617.02 Buildings, structures, impervious surfaces, and utilities shall not be located within one hundred (100) feet of the karst features identified pursuant to the Carbonate Assessment Report, unless (1) a recognized professional with competence in the field demonstrates that a minimal risk of structural damage due to sinkholes will exist, or (2) mitigating measures are taken to minimize the risk of structural damage. These mitigating measures shall be designed by a recognized professional with competence in the field.
- 617.03 Storm water management facilities, including but not limited to, detention basins, shall not be located within one hundred (100) feet of the karst features identified pursuant to the Carbonate Assessment Report unless (1) a recognized professional with competence in the field demonstrates that a minimal risk of damage due to sinkholes will exist, or (2) mitigating measures are taken to minimize the risk of structural damage. These mitigating measures shall be designed by a recognized professional with competence in the field.
- 617.04 Outflow from a storm water management facility, or post development storm water flows shall not be directed to any of the following carbonate features: Sinkholes, closed depressions, lineaments, or caverns.
- 617.05 Lagoons containing substances defined as toxic and/or hazardous by the Pennsylvania Department of Environmental Protection are not permitted.
- 617.06 Storage and handling areas for hazardous materials must have impermeable surfaces designed to contain materials stores/handled from which they shall be directed to a predetermined collection point.
- 617.07 The Township Board of Supervisors shall not entertain requests for waivers from the requirements listed above until a Carbonate Assessment Report, as required by this ordinance, has been supplied to the Planning Commission and the Township Engineer for their review and comment.

SECTION 618 GREENWAY LAND STANDARDS

618.01 Applicability.

This section shall apply to all subdivision and land development applications within

the Resource & Landscape Management Overlay (RLMO).

618.02 Design Process for Residential Subdivisions with Greenway Land.

618.02.1 An Existing Resources/Site Analysis Plan, described in Section 402.03, shall be completed prior to starting the Four-Step Design Process.

618.02.2 Four-Step Design Process. Residential subdivisions proposed under the Resource & Landscape Management Overlay (RLMO) zone and containing Greenway land shall follow the Four-Step Design Process described below. Applicants are required to document the design process in accordance with Section 402.03.2.i.

a) Step 1: Delineation of Greenway land, including Stormwater and Wastewater Management Areas. General locations for Greenway land, including stormwater and wastewater management areas, shall be delineated according to the following procedure:

1) Using the ER/SA Plan as a base map, Primary and Secondary Conservation Areas shall be delineated.

2) Greenway land shall include all Primary Conservation Areas plus enough Secondary Conservation Area to meet or exceed the minimum acreage requirement for Greenway land set forth in the Zoning Ordinance.

i.) The applicant shall prioritize natural and cultural resources in terms of their highest to least suitability for inclusion in the proposed Greenway land in accordance with Sections 618.03.1 and 618.03.2 Prioritized List of Resources to be Conserved and Additional Design Standards.

ii.) The locations and boundaries of Primary Conservation Areas shall follow the actual boundaries of floodplains, wetlands, and steep slopes over 25 percent.

iii.) The locations and boundaries of Secondary Conservation Areas shall be based on the priorities established above, practical considerations given to the tract's configuration, its context in relation to resources on adjoining properties, and the applicant's subdivision objectives. Secondary resources with the highest significance shall be included in the Greenway land. The applicant shall also be guided by any written recommendations provided by the Township regarding the delineation of Secondary Conservation Areas, following the Site Tour and/or the Pre-Application Review.

iv.) Greenway land shall be delineated in a manner clearly indicating

Greenway land boundaries as well as the types of resources included within them.

- 3) Preferred locations for stormwater and wastewater management facilities shall be identified using the ER/SA Plan as a base map.
 - i.) The design of these facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.
 - ii.) Opportunities to use these facilities as a buffer between the proposed Greenway land and development areas are encouraged.
 - iii.) Stormwater management facilities should be located in areas identified as groundwater recharge areas.
 - iv.) Wastewater facilities shall comply with the requirements of Silver Spring Township Sewage Facilities Plan.
 - v.) These facilities located within the Greenway land may be counted toward the minimum Greenway land requirement only if they meet the requirements of Section 220.H in the Zoning Ordinance.
 - 4) Development areas constitute the remaining lands of the tract outside the Greenway land, where dwellings, streets, and lots are to be delineated in accordance with Steps 2, 3, and 4 below.
- b) Step 2: Locations for Dwelling Units. Dwelling units shall be tentatively located, using the proposed Greenway land from Step 1 as reference and orientation as well as other relevant data on the ER/SA Plan. Dwelling units shall be sited to:
- 1) Fit the tract's natural topography;
 - 2) Be served by adequate water and sewerage facilities;
 - 3) Provide views of and access to adjoining Greenway land;
 - 4) Avoid encroaching upon Greenway land in a manner visually intrusive to users of such areas; and
 - 5) Be located at least 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas.
- c) Step 3: Alignment of Streets and Trails
- 1) Once dwelling units have been located, applicants shall delineate a street

system that provides a safe pattern of vehicular and pedestrian access to each dwelling unit. Streets and trails shall conform to the tract's natural topography and provide for a safe pattern of circulation to, from and within the tract.

- 2) Streets and driveways crossing wetlands and traversing slopes over 15 percent shall be avoided to the greatest extent practicable.
- 3) Street connections are encouraged in order to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels. Three-way intersections shall be preferred over 4-way intersections.
- 4) Lots shall generally be accessed from interior streets, rather than from roads bordering the tract. Conservancy lots may be exempt from this requirement, as determined by the Township.
- 5) A tentative network of trails shall be shown, where appropriate, providing access to natural and cultural features in the Greenway land. Potential trail connections to adjacent parcels shall also be shown in areas where a county or municipal trail network is envisioned.
- 6) Common greens, shaped by the street system, shall meet the requirements of Section 618.03.2, below.

d) Step 4: Design of Lot Lines

- 1) Lot lines shall follow the configuration of dwelling locations and streets in a logical and flexible manner.
- 2) Lot lines are not required (as in a condominium form of home ownership).

618.03 Design Review Standards for Greenway land

618.03.1 Prioritized List of Resources to be Conserved. The location of proposed Greenway land shall follow the standards set forth in Section 618.01 and 618.02, above, shall reflect the Greenway recommendations of the Silver Spring Township Comprehensive Plan, the Cumberland County Open Space Plan, and on the Silver Spring Township Official Map. The applicant shall demonstrate, to the satisfaction of the Township, that the following resources are incorporated into the Greenway land.

- a) The following Primary Conservation Areas primary resources shall be included in the Greenway land:
 - 1) Lands within the 100-year floodplain (including the floodway);

- 2) Wetlands;
 - 3) Prohibitive steep slopes in excess of 25 percent.
- b) The following Secondary Conservation Areas listed in order of priority, shall be included in the Greenway land to the fullest extent practicable:
- 1) Important Natural Habitats.
 - 2) Precautionary steep slopes 15-25 percent, particularly those adjoining watercourses and ponds, due to the potential for soil disturbance leading to erosion that is detrimental to water quality.
 - 3) Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.
 - 4) Hedgerows, groups of trees, specimen trees and other unique or significant vegetation features.
 - 5) Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.
 - 6) Class I, and II agricultural soils as defined by the USDA Natural Resources Conservation Service.
 - 7) Lands that provide a buffer or protect a scenic view from the Appalachian Trail.
 - 8) Historic structures and sites.
 - 9) Visually prominent topographic features such as knolls, hilltops and ridges, and scenic views as seen from public roads (particularly those with historic features). Significant views from within the site outward shall also be considered.
 - 10) Existing or proposed trails connecting the tract to other locations in the Township.

618.03.2 Additional Design Standards. Meeting the priorities in Subsection 618.03.1 above, Greenway land shall be configured to:

- a) Be free of all structures, except historic buildings, structures related to Greenway uses and utilities as permitted in Section 220.H in the Zoning Ordinance.
- b) Be undivided by public or private streets, except where necessary for proper

traffic circulation.

- c) Be interconnected wherever possible to provide a continuous network of Greenway land within and adjoining the subdivision.
- d) Be suitable for active recreational uses, where deemed appropriate by the Governing Body, without interfering with adjacent dwelling units, parking, driveways, and roads.
- e) Provide buffers to adjoining parks, preserves or other protected lands.
- f) Include common greens. An individual green shall be 5,000-30,000 square feet. Greens shall be surrounded by streets and dwellings on at least 2 and often 3 or 4 sides. Dwellings shall face the green. Common greens may be designed as terminal vistas within a street system.
- g) Provide for pedestrian paths and trails for use by the residents of the subdivision and/or the municipality, except in those cases where part of the Greenway land is located within private residential lots. Consideration shall be given to providing for public access on such trails if they are linked to other publicly accessible pathway systems within the municipality.
- h) Provide pedestrian and maintenance access to Greenway land such that no more than 15 lots shall be contiguous to each other without a centrally located access point meeting the following standards:
 - 1) The minimum width of the access strip shall equal the minimum width of a lot, and in no case shall be less than 50 feet.
 - 2) The minimum width of the access strip shall extend the full depth of the adjacent lots.
 - 3) Access to Greenway land used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.
- i) Generally, not include parcels smaller than 3 acres, have a length-to-width ratio of less than 4:1, or be less than 75 feet in width, except for such lands specifically designed as neighborhood greens, playing fields, pedestrian trail connections, and boulevard or cul-de-sac islands.
- j) Directly adjoin the largest practicable number of lots within the subdivision or development. At least 75 percent of the lots shall directly abut or face Greenway land across a street; in Option 5 this standard shall apply to 50 percent of the lots.
- k) Minimize views of new dwellings from exterior roads and abutting properties

by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Subdivision and Land Development Ordinance.

- l) Greenway land that is not wooded or farmed shall be landscaped in accordance with the landscaping requirements and Greenway land management plan standards of the Subdivision and Land Development Ordinance.
- m) Be consistent with the policies of the Silver Spring Comprehensive Plan.
- n) Greenway lands shall be delineated on the ground by any or all of the methods listed below. The Township shall have the sole discretion of approving the location, design, and materials used for the delineation of Greenway lands.
 - 1) Markers.
 - 2) Small signs, no larger than 1.5 square feet.
 - 3) Individual sections of split rail or post & rail fencing, as long as the fencing is not continuous and does not restrict or prohibit public access.
 - 4) Vegetative plantings, landscaping.
 - 5) Other similar and appropriate methods.

618.03.3 **Ownership and Maintenance.** Applicants shall demonstrate compliance with the requirements of Section 220.H, Greenway Land: Ownership and Maintenance, in the Zoning Ordinance.

618.03.4 **Mandatory Dedication of Land for Park and Recreation Purposes.** The required Greenway land in Resource & Landscape Management Overlay Developments may be used to satisfy the mandatory dedication of land for park and recreation purposes, as required in Section 615, provided that such Greenway land meets all design requirements for park, open space and trails, in Section 615.02.

618.03.5 **Resource Protection Standards for Site Preparation and Cleanup**

- a) **Protection of Vegetation:**
 - 1) **Mechanical Injury.** Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, or other significant natural or cultural features, the limit of disturbance shall be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of, and shall be maintained throughout, the period of construction activity.
 - 2) In Resource & Landscape Management Overlay Developments, the boundaries

of Primary and Secondary Conservation Areas shall be fenced as above and shall not, under any circumstances, be used for storage of equipment or materials of any kind.

- 3) Clean-Up. Fences and barriers shall be removed upon completion of construction.
 - 4) Grade Changes. Grade changes shall not result in an alteration to soil or drainage conditions, which would adversely affect existing vegetation to be retained, unless adequate provisions are made to protect such vegetation and its root systems.
 - 5) Excavations. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut cleanly and the trench backfilled as quickly as possible, avoiding soil compaction.
- b) Protection of Topsoil. Any activity resulting in the disturbance of topsoil shall comply with the soil erosion and sedimentation control regulations of the Cumberland County Conservation District and the Pennsylvania Department of Environment Protection, in addition to the following standards:
- 1) Prior to grading operations or excavation, topsoil in the disturbance area shall be stripped and stockpiled on site. Upon completion of other construction, the entire amount of stockpiled topsoil shall be replaced on the development site.
 - 2) No topsoil shall be removed from the site.
 - 3) Topsoil stripped shall be redistributed and stabilized, to a depth of 6-inch minimum cover, as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes less than 10 percent, and by sodding, hydroseeding, or rip-rap on slopes exceeding 10 percent.

618.03.6 Individual Sewage Disposal Systems. To the standard provisions for individual sewage disposal facilities, add the following provision for Resource & Landscape Management Overlay Developments:

- a) The individual sewage disposal system serving the dwelling units in a Resource & Landscape Management Overlay Developments permitted in Section 220 of the Zoning Ordinance, may, upon approval of the Township, be located in the Greenway land, provided:

- 1) The treatment tank shall be located on the residential lot.
- 2) The absorption field may be located in the Greenway land to a maximum distance of 150 feet from the lot line.
- 3) The distribution line leading from the tank to the absorption field may not cross any element of another sewage disposal system.
- 4) The corners of the sewage system outside the lot shall be permanently marked on the ground by any means acceptable to the municipal engineer.
- 5) The applicant shall be responsible for securing and recording all maintenance and access easements necessitated as a result of this design alternative.

SECTION 619 VILLAGE RESIDENTIAL DESIGN/DENSITY BONUSES

The following Design features/bonus incentives apply to the Village Residential (R-3) Zone:

Design Feature 1: Coordinated vehicular access between two or more adjoining land uses that make use of only one shared access drive onto adjoining roads.

Bonus Incentive 1: A 10% increase in the maximum permitted lot coverage for each use.

Design Feature 2: Coordinated off-street parking between two or more adjoining land uses that share a single access drive. Such parking lots shall be arranged to provide ready access to all properties.

Bonus Incentive 2: Waiver of one side yard setback requirement as it applies to the off-street parking lot and a 10% reduction in the total number of parking spaces required for all uses.

Design Feature 3: Coordinated off-street loading between two adjoining land uses sharing a single access drive that provides ready access to one or more loading spaces serving both uses.

Bonus Incentive 3: Waiver of the off-street loading space requirement for that use that would otherwise require the least number of loading spaces, provided a cross property use easement is recorded that assures both uses may use the shared loading space(s). In addition, one side yard setback may also be waived as it applied to off-street loading.

Design Feature 4: Coordinated signage with two or more uses sharing only one sign.

Bonus Incentive 4: A 5% increase in the maximum permitted lot coverage and a 10% increase in the maximum permitted size of any attached or freestanding signs.

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ARTICLE 7: MOBILE HOME PARKS

SECTION 701 GENERAL.

Mobile home park plans shall be processed in accordance with Article 3. Mobile home park plans shall comply with the design standards set forth in the Silver Spring Township Mobile Home Park Ordinance of 1995, as amended, and the Silver Spring Township Zoning Ordinance of 2022, as amended.

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ARTICLE 8: ADMINISTRATION

SECTION 801 GENERAL.

This section outlines the procedures for enforcement and amendment of this Ordinance, as well as procedures for challenges and appeals of decisions rendered under this Ordinance.

SECTION 802 AMENDMENT.

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a Subdivision and Land Development Ordinance in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, and as subsequently amended.

In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date of the public hearing on such proposed amendment.

SECTION 803 WAIVERS.

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The Board of Supervisors may modify any mandatory provision of these regulations to the benefit of the applicant, provided the majority of the members of a quorum of the Board of Supervisors present at a scheduled public meeting determines that the waiver:

- a) Is consistent with the purpose of this Ordinance as described in Section 102,
- b) Will remove or reduce an unreasonable standard, or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard, or when an alternative standard provides equal or better results,
- c) Provides reasonable utilization of the property while securing the public interest,

All waivers shall be processed in accordance with the Waiver provision described in Section 305 of this Ordinance. It shall be the burden of the applicant to demonstrate compliance with the above conditions.

In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the Ordinance.

SECTION 804 CHALLENGES AND APPEALS.

The decision of the Board of Supervisors may be appealed, as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, and as subsequently amended.

SECTION 805 PENALTIES FOR VIOLATIONS.

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

The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such a permit or approval shall apply to any of the following:

- 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 constructive knowledge of the violation.

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

805.01 Jurisdiction.

District justices shall have initial jurisdiction in proceedings brought under this Ordinance.

805.02 Enforcement Remedies.

Any person, partnership or corporation who or which has violated the provisions of this ordinance, upon being found liable thereof in a civil enforcement proceeding commenced by the Township must pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

805.03 No person shall proceed with any site grading or construction of improvements prior to recordation of a Final Plan, unless such grading or construction is for the sole purpose of installing the public improvements as prescribed in Section 304.05, Compliance with Conditions of Approval.

No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before the Board of Supervisors has approved the Final Plan and such Plan is recorded with the office of the Cumberland County Recorder of Deeds.

SECTION 806 RECORDS.

The Township shall keep an accurate, public record of its findings, decisions, and recommendations relevant to all applications filed with it for review or approval.

SECTION 807 VALIDITY.

Should any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

SECTION 808 CONFLICTS.

Whenever there is a difference between the standards specified herein and those included in other applicable regulations, the more stringent requirement shall apply.

The Silver Spring Township Subdivision and Land Development Ordinance as amended shall apply; provided however, that the amendment shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a violation of the previous Silver Spring Township Subdivision and Land Development Ordinance, its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not repealed hereby, as they pertain to said acts.

SECTION 809 ERRONEOUS APPROVALS.

An approval issued in violation of the provisions of the Ordinance, is void without the necessity of any proceedings for revocation. Any work undertaken pursuant to such an approval is unlawful. No action may be taken by a board, agency, or employee of the Township purporting to validate such a violation.

SECTION 810 IMPROVEMENTS SPECIFICATIONS MANUAL.

Certain provisions of this Ordinance cite the latest edition of Township's *Improvements Specifications Manual*. The Manual constitutes the design and construction standards for improvements located within the Township. The citation is for the latest edition of the Manual, as adopted by resolution of the Board of Supervisors.

SECTION 811 SAVINGS CLAUSE FOR MATTERS IN PROCESS.

Subdivision plans, land development plans and other applications validly submitted to the Township for approval and any litigation pending under or because of any previously enacted Subdivision and Land Development Ordinance prior to the effective date hereof shall be evaluated and governed by said last prior Ordinance,

and, for such limited purpose, such previously enacted Ordinance shall be saved from repeal as hereafter provided.

SECTION 812 RELATIONSHIP TO OTHER ORDINANCES.

Except only as otherwise provided in Section 811, all other ordinances or parts of ordinances inconsistent herewith shall be and the same are hereby repealed.

SECTION 813 EFFECTIVE DATE.

This Ordinance shall become effective upon enactment