ORDINANCE NO. 2021-02

AN ORDINANCE OF STRABAN TOWNSHIP, ADAMS COUNTY, PENNSYLVANIA AMENDING THE CODE OF THE TOWNSHIP OF STRABAN, BY ADDING AN ARTICLE III, ENTITLED "SIDEWALKS" TO CHAPTER 112, ENTITLED "STREETS AND SIDEWALKS", AND BY AMENDING SECTION 117-41 OF CHAPTER 117, ENTITLED "SUBDIVISION OF LAND" TO REFERENCE AND INCORPORATE THE CONTENTS OF ARTICLE III OF CHAPTER 112, AND BY ADDING A SUBSECTION (G), ENTITLED "ADDITION TO LOTS", TO SECTION 117-34 OF CHAPTER 117 OF THE CODE

WHEREAS, Section 503(3) of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10503(3) authorizes a municipality to enact a subdivision and land development ordinance containing provisions governing the standards by which streets and sidewalks are designed and installed; and

WHEREAS, the Straban Township Subdivision and Land Development Ordinance ("SALDO"), codified at Chapter 117 of the Code of the Township of Straban (the "Code"), currently provides for criteria governing the installation of sidewalks for certain land development at Section 117-41; and

WHEREAS, the Board of Supervisors of Straban Township (the "Board") desires to clarify the applicability of its sidewalk installation criteria, including by specifying the required timing of the installation of sidewalks for land development based on the location of the development, to be governed by a map adopted herein; and

WHEREAS, the Board more specifically desires to amend Section 117-41 of the SALDO by removing the contents thereof, and replacing it with a reference to and incorporation of a revised sidewalk policy and map, which shall be added to Chapter 112 of the Code as a new Article III, entitled "Sidewalks"; and

WHEREAS, the Board desires to add a subsection (G), entitled "Additions to Lots", to Section 117-34 of Chapter 117 of the Code, containing procedures and requirements governing the addition of a parcel of land to an existing recorded lot for the sole purpose of increasing lot size of the existing lot; and

WHEREAS, the Board of Supervisors of Straban Township, Adams County, Pennsylvania (the "Township"), deems it to be in the best interest and general welfare of the citizens and residents of the Township to amend the Code by amending Sections 117-34 and 117-41 of the Code, and by adding an Article III to Chapter 112 of the Code.

NOW THEREFORE BE IT ENACTED AND ORDAINED by the Board of Supervisors of Straban Township Adams County, Pennsylvania, and it is enacted and ordained as follows:

SECTION 1: Chapter 112 of the Code is amended by adding an Article III, entitled "Sidewalks", consisting of a Section 112-16, entitled "Sidewalk Policy", which shall read as follows:

§ 112-16 Sidewalk Policy.

A. The Straban Township Sidewalk Map is hereby established and made a part of this Chapter, and shall be included as an attachment to this Chapter.

B. Sidewalks shall be required to be installed along all Mandatory Sidewalk Roadways as depicted within the Straban Township Sidewalk Map for all subdivisions and land developments. These sidewalks will be required to be installed at the time of subdivision or development of the lot and must be depicted within the Subdivision or Land Development Plan.

C. Within the Straban Township Sidewalk Area and along Sidewalk Roadways, as depicted within the Straban Township Sidewalk Map, sidewalks shall be required for all residential and non-residential developments as follows:

(1) If there is an existing sidewalk on an immediately abutting lot(s) to the property to be developed, sidewalk shall be depicted on the Plan and constructed on site for all Land Development Plans. The proposed sidewalk shall connect to the existing sidewalk on the abutting lot(s).

(2) In the event that there is no existing sidewalk on immediately abutting lot(s), the applicant shall choose one of the following options:

i) Option 1 – Depict the proposed sidewalk on the Land Development Plan and construct the sidewalk as part of the development of the property.

ii) Option 2 – Depict the location of the proposed sidewalk on the Land Development Plan and include the following notation on the plan.

"If sidewalk is proposed to be constructed or is constructed on an abutting property, Straban Township reserves the right to notify the landowner that sidewalks are required to be installed at this time in accordance with the design plans. The landowner shall be solely responsible for the costs of construction of the sidewalk. The sidewalk shall be completed within 90 days of notice to construct by the Township. After construction, the property owner shall be solely responsible for the maintenance, repair, and replacement of the sidewalk."

Under this option, the sidewalk does not have to be constructed as part of the development of the property and can be deferred until notified to construct by the Township.

D. Regardless of the location of the residential development, in any residential development with an average lot size or area of 20,000 square feet or less, sidewalks shall be installed on along the existing street and on each side of any proposed interior streets, in accordance with Township requirements.

E. Sidewalks within residential subdivisions shall be designed with a grass "tree-lawn" separating them from the street pavement. Tree lawns shall be at least six feet wide. Street trees are required within the tree-lawn areas.

(1) Such street trees shall be deciduous varieties of hardy species capable of attaining a mature height of at least 60 feet.

(2) Street trees shall be planted in intervals of 40 feet or less on both sides of the street.

(3) Maintenance requirements of street trees must include, at a minimum, a replacement plan that requires tree replacement within 18 months after planting, through a performance guarantee.
(4) The final plan shall include a typical section showing tree well/berth specifications.

F. In any development, residential or non-residential, the Township reserves the express right to require the installation of sidewalks where the evidence indicates that sidewalks are necessary for reasons of public safety.

G. Sidewalks shall be at least five feet wide and shall be within the right-of-way of the street or as close to the right-of-way as practical considering existing underground, surface, and overhead rights-of-way for utilities. In the event the sidewalk is not located within a public road right-of-way, pedestrian access easements must be provided.

H. Sidewalks shall be constructed to provide access by the physically handicapped in accordance with state and federal law.

I. All sidewalks shall be constructed in accordance with specifications included within the Appendix portion of this Article.

SECTION 2: Section 117-41 of the Code is hereby repealed in its entirety, and replaced with the following language:

§ 117-41 Sidewalks and Street Trees.

Sidewalks and street trees shall be required for subdivisions and land developments in accordance with the requirements of the Straban Township Sidewalk Policy, codified at Chapter 112 – Streets and Sidewalks, Article III of the Code, which are incorporated herein by reference.

SECTION 3: Section 117-34 of the Code is hereby amended by adding a subsection (G), entitled "Additions to Lots", which shall read as follows:

§ 117-34 Lots.

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G. Additions to Lots.

(1) A parcel of land may be added to an existing recorded lot for the sole purpose of increasing the lot size of the existing recorded lot, provided that:
(a) The parcel proposed to be added must be contiguous to the existing lot.
(b) The addition must maintain or improve the overall straightness of the lot lines.
(c) The plan prepared for the addition of the parcel shall follow the procedures outlined in this Chapter.
(d) To avoid having the added parcel assessed and taxed as a separate lot, the applicant shall record a new deed in the Recorder of Deeds Office of Adams County that encompasses and consolidates the proposed

addition and the existing lot as one single parcel for the purposes of subdivision and that said parcel shall not be subdivided by the applicant or applicants or their heirs, successors, or assigns in the future without resubmission for subdivision purposes. A copy of the deed shall be provided to the Township Solicitor for review and approval.

(e) An acknowledgement/concurrence block shall be provided for the recipient of the additional lot area to provide a notarized signature.

SECTION 4: Repealer.

All provisions of previous ordinances of Straban Township, which are contrary to this ordinance, are expressly repealed.

SECTION 5: Savings Clause.

In all other respects, the ordinances of Straban Township shall remain as previously enacted and ordained.

SECTION 6: Severability.

The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any remaining sections, clauses or sentences of the same.

SECTION 7: Effective Date.

This ordinance shall become effective in accordance with law.

ENACTED, ORDAINED AND APPROVED this 1st day of March, 2021.

STRABAN TOWNSHIP BOARD OF SUPERVISORS

Tony M. Sanders, Chairman

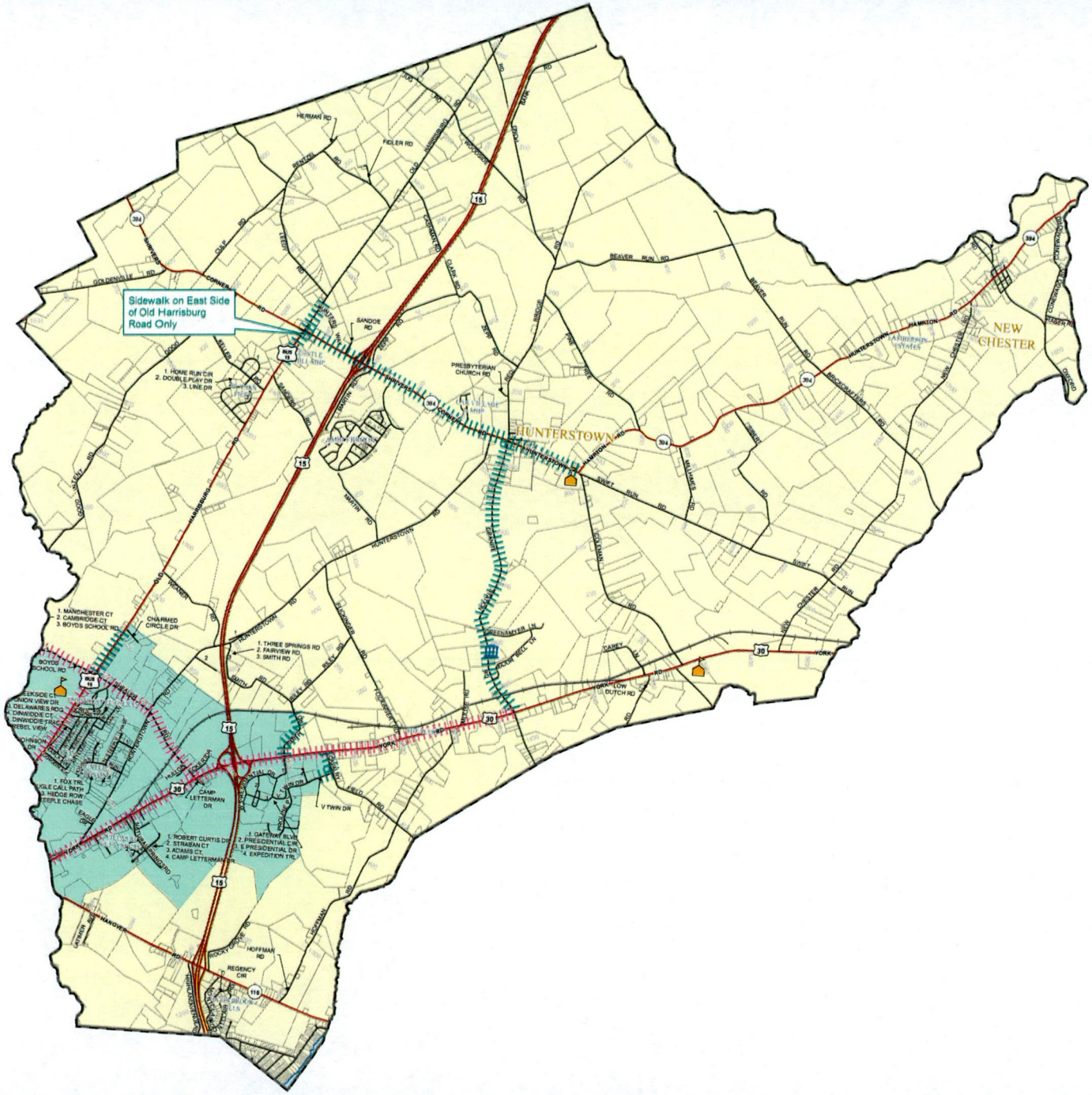
Alfred E. Kammerer, Vice-Chairman

Alan N. Zepp, Supervisor

Attest:

Secretary

STRABAN TOWNSHIP SIDEWALK MAP



Legend

- Municipal Boundary
- Parcel Boundary
- ASPERS / HIDDEN PINES — Village Development Name
- Major Road
- Street
- Address Range
- Railroad
- Municipal Building
- School Building
- Mandatory Sidewalk Roadway
- Sidewalk Roadway
- Straban Township Sidewalk Area

N W E S

Feet

0 2,000 4,000 8,000

Straban Township, Adams County, PA

Office of PLANNING and DEVELOPMENT

Data Source:
ACOPD - GIS Division and Straban Township

Prepared By:
ACOPD - GIS Division | January 5, 2021 S.W.

This map is for illustration purposes only. Adams County Office of Planning & Development does not assume any responsibility for the information presented on this map.