

# **SUBDIVISION REGULATIONS**

## **CHAPTER 100**

### **SOUTH MANHEIM TOWNSHIP SCHUYLKILL COUNTY, PA**

**MAY 2010  
(AS AMENDED)**

**prepared by:**

**SYSTEMS DESIGN ENGINEERING, INC.  
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LEESPORT, PA 19533  
(610) 916-8500**

Res #5-13

**RESOLUTION OF THE**  
**BOARD OF SUPERVISORS OF**  
**SOUTH MANHEIM TOWNSHIP**

WHEREAS, since adoption of the Township's Subdivision and Land Development Ordinance on May 5, 2010, (the "SALDO") the Township Supervisors have received several requests inquiring whether the Township has a policy regarding "natural subdivisions" or divisions of property caused by roads, railroads, streams and other like circumstances and not divisions brought about by a "Developer" or "Subdivider," as those two terms are defined in the SALDO; and,

WHEREAS, the Supervisors in general are favorably inclined towards permitting owners of properties affected by circumstances typically thought of as "natural subdivisions" to sell one or more of their separated parcels without the need to follow all of the provisions of the SALDO; and,

WHEREAS, after reviewing the matter with the Township Solicitor and upon review of the SALDO, which does not contain any provisions for the submission of an Application for approval of a natural subdivision but which does recognize in Section 100-3F there may be at times very special and unique conditions where a literal enforcement of the SALDO could work an unnecessary hardship; and,

WHEREAS, the Supervisors wish to set a general policy, but yet retain the right to review any request for a waiver from the requirements of the SALDO based on alleged "natural subdivision" circumstances on a case-by-case basis;

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Township adopts as its policy a generally favorable approach towards requests from property owners in the Township who are current in paying their real estate taxes, and who seek a formal waiver of compliance with the SALDO, under circumstances where the property owner can demonstrate to the satisfaction of the Township their property, which is the subject of

their request for a waiver, is “naturally” subdivided by a recognized roadway or a public rail line or some other similar manmade barrier or other naturally occurring divisor, such as a navigable waterway, which effectively segregates one parcel into two or more pieces of real estate, provided:

- a. The applicant seeking such a natural subdivision waiver of the requirements from the SALDO must provide the Township with a metes and bounds description and a signed and sealed survey from a Surveyor for each of the separate pieces of real estate which the applicant would then have the ability to convey, under a natural subdivision waiver, without risking violation of Section 100-3E of the SALDO.
- b. That the applicant promptly seek separate tax parcel identification numbers for each parcel and provide them to the Township.
- c. That the applicant demonstrate each resulting separate parcel would have a Highway Access Point or Highway Frontage, or access to a Street, whether that be by Easement, Right of Way, Way or Lane; and, that the following legend appear in any conveyance of the property to the first grantee of the property from the applicant for the waiver:

The real estate described herein was the subject of an application for a formal waiver from the requirements of the South Manheim Township Subdivision and Land Development Ordinance (SALDO) based upon representations by the grantor to the Township stating this property was naturally subdivided. Based upon the specific facts and representations presented to the South Manheim Township Supervisors by the grantor in connection with its request they waive the requirements of the South Manheim Township Subdivision and Land Development Ordinance, the Township Supervisors at a regular Township meeting, held on \_\_\_\_\_ granted this “natural subdivision” waiver in accordance with its Resolution of August 7,

2013, as reflected in the minutes of that meeting. The grantee takes this property understanding no formal subdivision and land development plan was submitted under the SALDO prior to this conveyance.

2. Nothing about this Policy requires the Township to grant a waiver as described herein, and any grant of one waiver shall not oblige the Township as a precedent to grant any other waiver, the Township specifically reserving the ability to review each waiver request on a case-by-case basis. Further, nothing about a waiver issued hereunder exempts the recipient of the benefit of the waiver from full compliance with all the Township Ordinances and permitting requirements; including, but not limited to, compliance with its Zoning Ordinance and Building Code requirements.

ADOPTED this 7<sup>th</sup> day of August, 2013 and effective immediately.

BOARD OF SUPERVISORS OF  
SOUTH MANHEIM TOWNSHIP

By: John Brennan  
John Brennan, Chair

By: Gary E. Neidlinger  
Gary E. Neidlinger, Supervisor

By: James McGovern  
James McGovern, Supervisor

ATTEST:

Kelly Handling  
Kelly Handling, Township Secretary



**RESOLUTION OF THE  
BOARD OF SUPERVISORS OF  
SOUTH MANHEIM TOWNSHIP**

Resolution No. 11-19

A RESOLUTION AUTHORIZING SOUTH MANHEIM TOWNSHIP SUPERVISORS TO SET A FEE IN LIEU OF DEDICATION FOR LAND FOR OPEN SPACE OR RECREATIONAL PURPOSES UNDER SECTION 100-38 OF THE FEBRUARY 2010 SUBDIVISION AND LAND DEVELOPMENT PLAN FOR RESIDENTIAL SUBDIVISIONS IN THE TOWNSHIP

WHEREAS, in February of 2010 South Manheim Township adopted its current Subdivision and Land Development Ordinance (SALDO), which contains a specific section on open space considerations for subdivisions intended to provide Residential housing, Section 100-38; and,

WHEREAS, South Manheim Township has the ability, under the Pennsylvania Municipalities Planning Code (MPC), Act of 1968, P.L. 805, No. 247, as amended, and the Township's duly adopted SALDO to require developers of such subdivisions to provide for recreation and open space as part of the development process, including the right to set certain minimum open space requirements, and, upon preparation and adoption of an Open Space and Recreation Plan, as a supplement to the Township's Comprehensive Plan, the right to set a fee in lieu of land dedication from a developer; and,

WHEREAS, South Manheim Township elected to participate in a regional open space and recreational planning effort undertaken and lead by the Blue Mountain Recreation Commission, which resulted in the adoption, in December of 2018, of a final plan known as the South Schuylkill Region Comprehensive Park, Recreation and Open Space Plan; (The Plan) and,

WHEREAS, South Manheim Township subsequently accepted and approved of the Plan as a supplement to its existing Comprehensive Plan thereby permitting it to set a schedule of fees in lieu of dedication by resolution under section 100-38 of its SALDO, and;

WHEREAS, the SALDO requires any developer funds paid in-lieu of land dedication under the SALDO are to be spent to "purchase, expand, improve or upgrade recreation facilities and land areas within the Township," and;

WHEREAS after some considerable discussion, the Board of Supervisors has determined to adopt a resolution setting such fees in lieu of dedication, as is set forth more fully below, and as may from time to time be amended by further resolution by the same,

NOW, THEREFORE, BE IT RESOLVED, this 6<sup>th</sup> day of November, 2019, by the Board of Supervisors of South Manheim Township, Schuylkill County, Commonwealth of Pennsylvania, in lawful assembly, duly assembled, as follows:

1. There is hereby established a fee-in-lieu of dedication fee schedule under Section 100-38 of the Township's SALDO for any residential subdivision submitted to the Township after the adoption of this resolution, as follows:

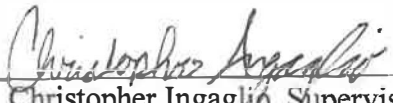
- \$1000.00 per lot for each lot in a residential subdivision
- \$1000.00 per unit for each unit in areas where multi-unit homes, as opposed to lots, are permitted


2. All fees in lieu of dedication of open space or recreational land must be paid in full before the final approved subdivision plans will be signed and recorded.

RESOLUTION ENACTED, this 6<sup>th</sup> day of November, 2019, to be effective in five days.


BOARD OF SUPERVISORS OF  
SOUTH MANHEIM TOWNSHIP

By:   
John A. Brennan, Chairman

By:   
Christopher Ingaglio, Supervisor

By:   
Stanley Noll, Supervisor

ATTEST:

  
Kelly Handling, Township Secretary

TOWNSHIP OF SOUTH MANHEIM  
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 96

AN AMENDMENT TO THE SOUTH MANHEIM TOWNSHIP SUBDIVISION AND  
LAND  
DEVELOPMENT ORDINANCE  
RELATED TO ARTICLE V, EXEMPTIONS THEREOF

WHEREAS, the Board of Supervisors and the Planning and Zoning Commission of South Manheim Township have determined the Township would benefit from certain amendments to its existing Subdivision and Land Development Ordinance (SALDO) regarding the lot annexation process procedure and fee schedule;

WHEREAS, public hearings have been held on the proposed amendments to the SALDO as required by law; and copies of the proposed amendments have been available for public inspection at all required places, with all proper notice thereof; and, copies of the proposed amendments have been forwarded to the appropriate county and township agencies as required by law; and the intention to adopt this amendment to the SALDO was duly advertised as required by law.

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

1. Article V, titled "**EXEMPTIONS**", of the existing Township SALDO, contained in Chapter 100, and dated May, 2010, is hereby amended and restated as follows:

**ARTICLE V**  
**EXEMPTIONS**

100-20 EXEMPTIONS TO STANDARD PLAN PROCESSING PROCEDURES

A. Minor Subdivision

Minor subdivisions require a simplified procedure and modified submission requirements. Where the sole purpose of the proposed plan is to create up to three parcels, lots or tracts of land from the original tract of land, and each lot has adequate frontage on an improved public road, the applicant may submit a Minor Subdivision Plan to the Township for review, comment and approval.

After the effective date of this Chapter, only one (1) minor subdivision will be permitted over any period of time for any parcel within the Township.

1. Procedure

- a. A sketch plan submission is suggested for a minor subdivision. A Final Plan is the Record Plan for a minor subdivision. Upon favorable review of the sketch plan by the Planning Commission, the applicant would be directed to submit a formal minor subdivision plan. The Minor Subdivision Plan is submitted, processed, reviewed and acted upon in the identical manner as a Final Subdivision Plan, as outlined in Article IV Section 100-19 of this Chapter.
- b. The Minor Subdivision Plan shall contain all changes, modifications, notations and agreements required by the Board of Township Supervisors at the time of approval. In addition, the certifications and signatures required for recording shall be shown on the Final Plan.

B. Annexation Plans

1. Partial Annexation

- a. Where the conveyance, sale or transfer of a portion of land from one parcel to an adjacent parcel is proposed for the sole purpose of increasing lot size, and not for the purpose of creating a separate new lot or a land development, the subdivider may submit only a Final Plan of Record to the Township rather than submit Sketch, Preliminary, and Final Plans. The Final Plan shall contain all information required under Article V Section 100-20(A) Minor Subdivision and shall be reviewed in accordance with Article IV Section 100-19.
- b. The proposed plan shall indicate that the purpose of the plan is for annexation purposes only. No new building lots are proposed as a result of this plan.
- c. Annexation plans shall include a signature block for both the property owner of the land to be subdivided as well as for the owner of the property receiving the annexation parcel.

2. Complete Annexation

- a. Where the conveyance, sale or transfer of an entire parcel to an adjoining parcel under the same ownership is proposed

within the Low Density Residential (LDR) Zoning District for the sole purpose of increasing lot size, and not for the purpose of creating a separate new lot or a land development, the property owner may submit a deed of consolidation and plot plan exhibit.

- b. The plot plan exhibit shall be prepared by either a surveyor or professional engineer registered in the State of Pennsylvania and shall include the following information as a minimum on 11"x17" paper size.
  - i. Total tract acreage and tract boundaries of the property being annexed with accurate distances to hundredths of a foot and bearings to ¼ of a minute.
  - ii. Existing physical features
  - iii. All existing rights-of-ways
  - iv. North arrow
  - v. Written and graphic scales
  - vi. Names of all adjoining record owners
  - vii. A signature page for approvals by the Zoning Officer, Planning Commission and Board of Supervisors
- c. The plot plan exhibit shall indicate that the purpose of the plan is for annexation purposes only. No new building lots are proposed as a result of this plan.
- d. The plot plan exhibit and deed of consolidation shall be submitted to the Township for review at least fourteen (14) calendar days before the next regularly scheduled Planning Commission meeting. The submission shall include:
  - i. Application for Review of a Deed of Consolidation signed by an authorized representative of the property owner.
  - ii. Five (5) black-on-white copies of the deed of consolidation and plot plan exhibit.
  - iii. Filing fees (See Article III – 100.9)
- e. The Deed of Consolidation and plot plan exhibit will be distributed and reviewed as outlined below:
  - i. Five (5) copies will be distributed to the Zoning Officer and Planning Commission and will be reviewed in accordance with Article IV Section 100-18(C)(4).
  - ii. Once the Planning Commission and Zoning Officer find the proposal satisfactory and sign the Deed of Consolidation, the Deed of Consolidation shall be forwarded to the Board of Supervisors for review and

approval no later than seven (7) calendar days prior to such regularly scheduled meeting.

- iii. The applicant shall record the Deed of Consolidation and plot plan exhibit with the County Recorder of Deeds Office. Applicant shall furnish a certified copy to the Township within forty-five (45) calendar days after recording.

#### C. Revised Plan of Record

Minor revision to existing plats of record such as boundary adjustments and corrections for the purpose of clarification require a Final Plan. The Final Plan shall contain all information required under Article V Section 100-20(A). Minor subdivision shall be reviewed in accordance with Article IV Section 100-19.

Such minor revisions shall:

1. Not create lots
2. Not change easements or R.O.W.'s
3. Not change street locations or block sizes
4. Not change utility locations
5. Not change open space or recreation areas
6. Not increase the number of lots

Any replatting or resubdivision of land that does not meet one or more of the exemption requirements listed above, shall be considered a major subdivision and shall comply with the requirements of this Chapter.

The revised plan of record shall specifically identify the previous plan of record superseded and shall also contain the record references.

After the revised plan of record has been approved by the Township, the applicant shall then record the new plan in accordance with this Chapter.

2. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. All existing provisions of Article V of the SALDO which are not affected by these amendments are restated in full as unaffected hereby and shall remain in full force and effect.

3. This Ordinance shall become effective five (5) days after the date of its adoption as set forth below, in accordance with 53 P.S. sec. 66601 et. seq.

ENACTED AND ORDAINED THIS 4<sup>th</sup> DAY OF March, 2020, by the Board of Supervisors of South Manheim Township, in lawful session duly assembled.

ATTEST:

BOARD OF SUPERVISORS OF  
SOUTH MANHEIM TOWNSHIP

  
Secretary

  
Chairman

TOWNSHIP OF SOUTH MANHEIM  
SCHUYLKILL COUNTY, PENNSYLVANIA

ORDINANCE NO. 84

THE SOUTH MANHEIM TOWNSHIP SUBDIVISION AND LAND  
DEVELOPMENT ORDINANCE

WHEREAS, the Board of Supervisors and the Planning Commission of South Manheim Township have determined the Township would benefit from a new Subdivision and Land Development Ordinance;

WHEREAS, public hearings have been held on the proposed new subdivision and land development ordinance as required by law; copies of the proposed new subdivision and land development ordinance have been available for public inspection at all required places, with all proper notice thereof; and, copies of the proposed new subdivision and land development ordinance have been forwarded to the appropriate county and township agencies as required by law; and the intention to adopt this ordinance was duly advertised as required by law.

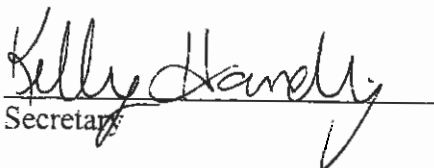
NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of South Manheim Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained as follows:

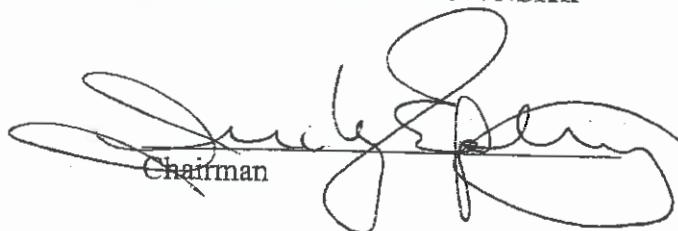
1. Exhibit "A", entitled "Subdivision Regulations, South Manheim Township", Chapter 100, and following, dated May, 2010, is hereby incorporated by reference and made a part hereof.
2. The provisions of this Ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or invalid, such decision shall not effect the validity of any of the remaining provisions of this Ordinance.
3. This Ordinance shall become effective five (5) days after the date of its adoption as set forth below, in accordance with 53 P.S. sec. 66601 et. seq.

ENACTED AND ORDAINED THIS 5<sup>TH</sup> DAY OF MAY, 2010, by the Board of Supervisors of South Manheim Township, in lawful session duly assembled.

ATTEST:

BOARD OF SUPERVISORS OF  
SOUTH MANHEIM TOWNSHIP

  
Secretary

  
Chairman



**SOUTH MANHEIM TOWNSHIP**  
**CHAPTER 100**  
**SUBDIVISION & LAND DEVELOPMENT REGULATIONS**  
**(Adopted April 1990, amended May, 2010)**

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**SOUTH MANHEIM TOWNSHIP  
CHAPTER 100  
SUBDIVISION & LAND DEVELOPMENT REGULATIONS**

**ARTICLE 1  
GENERAL PROVISIONS**

100-1 PURPOSE

This chapter is adopted for the following purpose:

- A. To provide uniform procedures & design standards, plan requirements & processing procedures for the development of South Manheim Township.
- B. To assist in the orderly, efficient integrated and harmonious development of the Township in order to provide the highest quality environment obtainable.
- C. To provide for the coordination of existing streets and public utilities with new facilities; to provide for efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.
- D. To ensure that all subdivision and land development applications are consistent with the goals, objectives and policies of the South Manheim Township Comprehensive Plan.
- E. To provide for adequate open spaces for traffic, recreation, light and air, and for proper distribution of population.
- F. To assure the equitable and just processing of subdivision and land development plans by providing uniform procedures and standards for observance by both the applicant and Township officials.
- G. To encourage and promote flexibility in subdivision and land development design when it results in an improvement to the environment and overall conditions of the site.
- H. To create conditions favorable to the health, safety, and general welfare of the residents of South Manheim Township.

100-2 REPEALER

All ordinances or parts of ordinances, together with the amendments and supplements thereto, are hereby repealed to the extent that the same conflict with the provisions of this amended chapter; provided however that the provisions of this amended chapter shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such

repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this amended Chapter.

#### 100-3 COMPLIANCE WITH APPLICABLE STANDARDS

- A. After the effective date of this Chapter, any subdivision or land development shall be in conformity with this Chapter, including all standards and specifications adopted as part of this Chapter.
- B. All subdivision and land development applications shall conform to the goals, objectives and policies of the Comprehensive Plan adopted for the Township and in effect at the time of the application.
- C. All subdivision and land development applications shall conform to the standards and provisions of the South Manheim Township Zoning Ordinance of 2006, as amended.
- D. No subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.
- E. Unless and until a subdivision and or land development plan has been approved and recorded in accordance with all standards and provisions of this Chapter, no lots within a proposed subdivision or land development may be sold and no permits shall be issued in order to erect any building upon land within a development.
- F. Where under special and unique conditions a literal enforcement of these regulations would result in an unnecessary hardship, such reasonable exceptions thereto may be made, provided it will not affect the public health, safety and general welfare of the Township residents.
- G. After endorsement by the South Manheim Township Planning Commission and approval by the Board of Supervisors, the subdivision or land development plan shall be recorded in the Schuylkill County Recorder of Deeds Office.

#### 100-4 INTERPRETATIONS

- A. The provisions of this Chapter shall be held to be the minimum requirements to meet the stated purposes indicated under § 100-1.
- B. Where the provisions of this chapter impose greater restrictions than those of any other Township statute, ordinance or regulation, the provisions of this Chapter shall be complied with. Where the provisions of any other Township statute, ordinance or regulation impose greater restrictions than this Chapter, the provisions of such other Township statute, ordinance or regulation shall be complied with, unless otherwise stated in this Chapter.

## **ARTICLE II**

### **DEFINITIONS**

#### 100-5 WORD USAGE

Unless otherwise stated hereafter, words and phrases within this chapter shall have the meaning assigned in this Chapter. Terms not defined in this Chapter shall be interpreted according to common usage or as the context may imply. For the purpose of this Chapter, certain terms and words have been defined and/or interpreted below:

- A. Words used in the singular include the plural, and words in the plural include the singular.
- B. Words in the present tense include the future.
- C. The word "person" includes an individual, corporation, partnership, incorporated association or other similar entity.
- D. The term "Supervisors" or "Board" shall always mean the "Board of Supervisors of South Manheim Township"
- E. The words "shall", "will", and "must" are mandatory.
- F. The words "can" or "may" are permissive.
- G. The words "used for" include "designed for," "arranged for," "intended for," "maintained for" or "occupied for."
- H. The words "building" and "structure" shall be construed as if followed by the phrase "or part thereof."
- I. The word "lot" shall include the terms "plot," "parcel," "site" and "tract."
- J. The word "Township" shall refer to South Manheim Township, Schuylkill County, Pennsylvania.

#### 100-6 TERMS DEFINED

As used in this chapter, the following terms shall have the meanings indicated:

ACT 247 - The Pennsylvania Municipalities Planning Code, as amended.

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

ALLEY - A right-of-way or street that is municipally or privately owned which serves as a secondary vehicular access to the side or rear of two or more properties.

ANNEXATION - The act of adding, joining or uniting one lot to another lot in order to create out of the two lots a larger tract or parcel of land intended for separate use, building development, or transfer of ownership.

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

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

ARCHITECT - A professional architect registered in the Commonwealth of Pennsylvania.

BERM - An earth mound covered with grass, shrubbery, trees, or groundcover and which is intended to block views, create landscape interest or impound water.

BEST MANAGEMENT PRACTICE (BMP) - State-of-the-art technology as applied to a specific problem typically associated with stormwater management and erosion and sediment pollution control.

BLOCK - A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the Township, or by any combination of the above.

BOARD OF SUPERVISORS - Board of Supervisors of South Manheim Township, Schuylkill County, Pennsylvania.

BUFFER AREA - A strip of land, a mound or berm planted and maintained in shrubs, bushes, trees, grass or other ground cover material.

BUILDING - Any structure having enclosing walls and a roof and requiring a permanent location on the land.

BUILDING SETBACK LINE - A line parallel to the lot line a distance measure perpendicular therefrom as prescribed in the Zoning Ordinance for a required yard.

BUILDING SITE OR LOT - A single parcel of land occupied or intended to be occupied by a building or structure. A "building site" shall be synonymous with lot or parcel of land.

CARTWAY OR PAVEMENT - The improved portion or paved portion of a street located between the right-of-way lines intended for vehicular use.

CENTER LINE (Street) - A line measured midway between and parallel to the street right-of-way line, or as otherwise defined on plans and deeds of record.

CLEAR-SIGHT TRIANGLE - An area of unobstructed vision at intersections, defined by lines of sight between points at a given distance from the intersection of street center lines, and/or between street and driveway center lines.

COMMON OPEN SPACE - A parcel or parcels of land or an area of water, or a combination of land and water, within the development site, designed and intended for use or enjoyment of all residents of the development in which it is located. Land included within the right-of-way lines of streets shall not be classified as common open space. Common open spaces shall not include required open areas between buildings and between buildings and street rights-of-way, driveways, parking areas and property lines in the development. No dwelling unit, residential accessory buildings or parking areas not associated with the use of the common open space may be located within common open spaces. The parcel shall have size, dimensions, topography, access and general character suitable for use by the residents.

COMMON PARKING AREA - A parking area or facility other than those provided within the lot lines of a lot on which one single-family detached dwelling, one single-family semi-detached dwelling, or one townhouse is located. Common parking areas are typically associated with multi-family and commercial (multi-tenant) developments.

COMPREHENSIVE PLAN - The South Manheim Township Comprehensive Plan as adopted by the Board of Supervisors.

COUNTY - The County of Schuylkill, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION - The Schuylkill County Planning Commission.

CROSSWALK - A public right-of-way for pedestrian use across a public street typically designated by line painting and located at an intersection.

CUT - An excavation; the difference in vertical elevation between a point on the surface of original ground and a point on the final grade; or the material removed in excavation.

DENSITY - A measure of the intensity of use of a parcel of land. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the net site area. The term "net density" shall mean the maximum number of permitted dwelling units of a single type or in combination unit types, where permitted, for any net site area.

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT PLAN - The provisions for development, including a planned residential development, of a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development.



streets, rights-of-way, and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

**DRAINAGE FACILITY** - Any ditch, swale, culvert, gutter, pipe, pond, storm sewer or other structure designed, intended and/or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, recreational areas, parking facilities, or any part of any subdivision, land development or contiguous land area.

**DRIVEWAY** - A private right-of-way providing for vehicular and pedestrian access between a public street and a parking area or garage, within a lot or property.

**DWELLING** - Any building or portion thereof which is designed for and/or occupied as, in whole or in part, a home or residence for one (1) or more persons. It shall not be deemed to include hotels, boarding- or rooming houses, institutional homes and residence clubs.

**EASEMENT** - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**ENGINEER** - A registered professional engineer licensed as such by the Commonwealth of Pennsylvania.

**EROSION** - The process by which soil and bedrock are worn away by the action of wind, water, climate or chemical action.

**EXCAVATION** - Any act by which earth, sand, gravel or rock is dug into, cut, quarried or moved.

**FILL** - Any act of which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade; or the material used to make a fill.

**FLOODPLAIN OR FLOOD HAZARD AREA** - Any land within the Township adjoining any streams, ponds, or lakes as delineated in the Flood Boundary & Floodway Map, Township of South Manheim, Schuylkill County, Pennsylvania, prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development.

**FLOODWAY** - The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one-hundred -year magnitude.

**FENCE** - A man-made barrier placed or arranged to enclose, screen, or separate areas. The term "fence" shall be deemed to include a wall.



GRADE:

- A. EXISTING - The average grade of the ground surface prior to any disturbing of the soil.
- B. NEW OR FINISHED - The resulting level of the ground after the final grading where there is a cut and after normal settlement where there is a fill.

GRADING - Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or fill condition, to create new grades.

GOVERNING BODY – The Board of Supervisors of South Manheim Township.

HIGHWAY ACCESS POINT - A place of ingress / egress from or access to a street or highway created by a driveway or another street or highway. Measurement between highway access points shall be from center line of one such access to the center line of another such access.

HIGHWAY FRONTAGE - The lot dimensions measured along the right-of-way line of any one street or highway abutting a lot.

HYDRIC SOIL - Soils that are wet long enough to periodically provide anaerobic conditions, thereby influencing the growth of plants.

IMPERVIOUS SURFACE - Surfaces that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete and asphalt shall be considered “impervious surfaces” within this definition.

IMPROVEMENTS - Those physical additions, installations and changes required, such as streets, curbs, sidewalks, parking areas, water mains, street lights, sewers, drainage facilities, public utilities & recreational areas, and any other physical changes deemed appropriate by the Township, to render land suitable for the use proposed.

IMPROVEMENTS AGREEMENT - An agreement, in a form and manner acceptable to the Township, requiring a developer to install the improvements required by this Chapter and any improvements or amenities which appear on the plan in accordance with the requirements of the Township.

IMPROVEMENT SPECIFICATIONS - Regulations adopted pursuant to this chapter imposing minimum standards for the construction of the required improvements such as roads, storm drainage facilities, curbs, sidewalks, grading, sanitary sewage facilities, etc.

INTERIOR WALK - A public or privately owned right-of-way for pedestrian use, extending from a street into a block or across a block to another street.

LAND DEVELOPMENT - Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

B. A subdivision of land.

C. Development in accordance with section 503(1.1) of the M.P.C.

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

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

LOT - Any tract or parcel of land, regardless of size, held in single or separate ownership not necessarily a lot or lots shown on a duly recorded map or plan, and to be used, developed or built upon as a unit. The term "lot" shall also mean parcel, plot, site or any similar term.

- A. CORNER LOT - A lot situate at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.
- B. INTERIOR LOT - A lot other than a corner lot, the sides of which do not abut a street.
- C. REVERSE-FRONTAGE LOTS - Lots which have frontage on two public streets while restricting vehicular access solely from the designated public street which would front along the commonly identified rear of the lot.
- D. THROUGH LOT - An interior lot having frontage on two parallel or approximately parallel streets.
- E. FLAG LOT or KEYHOLE LOT - An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise landlocked interior parcel.

LOT AREA - The area contained within the property lines of the individual parcels of land shown on a subdivision plan or required by this chapter, excluding any area within an existing or proposed street right-of-way and any area within all permanent drainage easements but including the areas of all other easements.

LOT OF RECORD - A lot or parcel recorded in the Office of the Recorder of Deeds of Schuylkill County, Pennsylvania.

MARKER - A metal pipe or pin of at least ½" diameter and at least 24" in length.

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 of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.

MOBILE HOME SUBDIVISION - A mobile home subdivision is a group of mobile homes, but the lots on which the mobile homes are located are owned separately.

MONUMENT - A stone or concrete monument with a flat top at least 4" in diameter or square and at least 36" in length. Stone monument of marble shall contain an indented cross or one-quarter (¼) inch drill hole. Concrete monuments shall contain a copper or brass dowel (plug).

MUNICIPALITY - South Manheim Township, Schuylkill County, Pennsylvania.

ONE-HUNDRED-YEAR FLOOD - A flood that, on the average, is likely to occur once every 100 years, i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year.

OPEN SPACE - Land used for recreation, resources protection, amenities or buffers, which is freely accessible to all residents of a particular development or subdivision or, if dedicated and accepted by the Township, is accessible to all residents of the Township, as protected by the provisions of this chapter and the Zoning Ordinance.

PARKING LOT - An off-street area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto. Six or more parking spaces shall constitute a parking lot for the purposes of this Chapter.

PARKING SPACE - A reasonable level space, not less than 10 feet wide and having an area of not less than 200 square feet exclusive of passageways or other means of circulation or access.

PLAN - The proposal for subdivision or land development, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities.

A SKETCH PLAN - An informal plan, drawn to scale, indicating existing features of a tract and the general layout of the proposed subdivision or land development. The plan shall be presented for discussion purposes only and not for approval.

B. PRELIMINARY PLAN - A tentative subdivision or land development plan

(including all required supplementary data) showing the pertinent features of a tract and proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

- C. FINAL PLAN - A complete and exact subdivision or land development plan (including all required supplemental data) prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.
- D. MINOR SUBDIVISION PLAN - A complete and exact plan prepared in accordance with the standards and limitations specified under § 100-20 of this Chapter.
- E. AS-BUILT/IMPROVEMENT PLAN - A detailed engineering plan showing the construction details of streets, storm drainage facilities and other improvements, as required by this Chapter.
- F. PLAN OF RECORD - An exact copy of the approved final plan which contains the original endorsements and which has been officially recorded by the Schuylkill County Recorder of Deeds.

PLANNING COMMISSION - The Planning Commission of South Manheim Township, Schuylkill County, Pennsylvania.

PLAT - The map or plan of a subdivision or land development, whether sketch, preliminary or final.

RESUBDIVISION - Any change of lot lines within a previously approved subdivision. Any re-platting or new division of land. Re-plattings shall be considered as constituting a new subdivision of land.

REVIEW - An examination of a subdivision or land development plan by the Planning Commission and the Board of Supervisors to determine compliance with this chapter and the administrative regulations, design standards and improvement specifications enacted pursuant thereto, as well as compliance with zoning and other ordinances ' regulations of the Township as may apply.

RIGHT-OF-WAY - The total width of any land that is reserved or dedicated for streets, utilities, drainage facilities, or other public purposes.

- A. STREET - The total extent of land reserved or dedicated as a street or alley for public or private purposes.
  - 1. EXISTING RIGHT-OF-WAY - The legal right-of-way as currently established by the commonwealth or other appropriate governing authority.
  - 2. ULTIMATE RIGHT-OF-WAY - The right-of-way deemed necessary to provide adequate width for future improvements.

- B. UTILITY - The total extent of land reserved for a declared or recorded right-of-way for public or private utility purposes.

#### SANITARY SEWAGE DISPOSAL SYSTEMS:

- A. ON-SITE - Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.
- B. PUBLIC - A sanitary sewage collection system, managed and operated by a public authority, in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

SEPTIC TANK - A covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

SEWAGE ENFORCEMENT OFFICER (SEO) - An official designated by the Township who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement the rules and regulations as established by the Pennsylvania Department of Environmental Protection for design and installation of sewage facilities.

SIDEWALK - A paved, surfaced, or level area, generally paralleling and usually separated from the street, used as a pedestrian walkway.

SIGHT DISTANCE - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 4.5' above the centerline of the road surface to a point 0.5' above the centerline of road surface.

SITE - A parcel or parcels of land intended to have one or more buildings, or intended to be subdivided into one or more lots.

SITE PLAN - A plan meeting the requirements of this chapter for land developments or as required by the Township Zoning Ordinance.

SLOPE - The face of embankment, fill or cut section or any ground whose surface makes an angle with the plane of the horizon. "Slope" is expressed as a percentage, based upon the vertical difference in feet per one hundred (100) feet of horizontal distance.

SOIL PERCOLATION TEST - A field test conducted by a person qualified according to the rules and regulations of the Pennsylvania Department of Environmental Protection to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at any given location and depth. Soil percolation testing is also required in support of infiltration systems proposed for stormwater management improvements.

SOIL SURVEY - A document entitled "Soil Survey of Schuylkill County, Pennsylvania," issued by the United States Department of Agriculture, Natural Resources

Conservation Service and the National Cooperative Soil Survey in cooperation with the Schuylkill County Conservation District.

**STEEP SLOPES** - Areas where the average slope exceeds fifteen percent (15%) and which, because of this slope, are subject to high rates of storm water runoff and, therefore, erosion.

**STORM DRAINAGE FACILITY** - Any ditch, gutter, pipe, culvert, swale, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas or any part of any subdivision, land area or contiguous land areas.

**STREET** - A public or private right-of-way deeded or dedicated for public use, which provides a means of access for vehicles or pedestrians. The term "street" shall include "road", "highway" and "thoroughfare".

- A. **ARTERIAL (MAJOR) STREET** - A street serving a large volume of comparatively high-speed and long-distance traffic.
- B. **COLLECTOR STREET** - A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving 50 or more dwelling units to give access to community facilities and/or arterial streets or other collector streets. Streets within an industrial or commercial development shall be considered collector streets.
- C. **MINOR STREET** - A street used primarily to provide access to residential properties.
- D. **CUL-DE-SAC STREET** - A minor street intersecting another street at one end and terminating in a vehicular turnaround at the other end.
- E. **MARGINAL ACCESS STREET** - A minor street, parallel and adjacent to an arterial or collector street (separated by a reverse strip), which provides access to abutting properties and control of intersections.
- F. **SERVICE STREET (Alley)** - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- G. **PUBLIC STREET** - A street offered for dedication and accepted by the Township for public use.
- H. **PRIVATE STREET** - A street not offered or intended to be offered for dedication to the Township for public use. Private streets are permitted only if they are designed and improved to meet Township street standards.

**STRUCTURE** - Anything built, constructed or erected which requires location on the ground or attachment to something located on the land.

**SUBDIVIDER** - Any individual, copartnership or corporation (or agent authorized thereby) which undertakes the subdivision of land, as defined herein, as the owner, lessee or equitable owner (or agent authorized thereby) of the land being subdivided.

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

SURVEYOR - A registered surveyor licensed as such by the Commonwealth of Pennsylvania.

TOWNSHIP - South Manheim Township, Schuylkill County, Pennsylvania.

TOWNSHIP ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania and appointed by the Township.

TOWNSHIP PLANNER - A professionally certified planner or registered landscape architect appointed by the Township.

SWALE - A low-lying stretch of land which gathers or carries surface water runoff.

UNIFORM CONDOMINIUM ACT - An Act of the Commonwealth of Pennsylvania.

UTILITIES - Those services customarily rendered by public utility corporations, municipalities or municipal authorities in the nature of electricity, gas, telephone, water and sewerage, including the appurtenances used in connection with the supplying of such services (buildings, wires, pipes and poles).

WATERCOURSE - Storm sewers, lakes, dammed water, ponds, springs and all other bodies or channels of conveyance of surface and underground water.

WATER SUPPLY SYSTEM - A system designed to transmit water from the source to users, in compliance with the requirements of the appropriate state agencies and the Township.

- A. ON-LOT WATER SUPPLY SYSTEM - A water supply system which transmits water from a source on the lot to one dwelling, or principal use on the same lot.
- B. COMMUNITY WATER SUPPLY SYSTEM - A water supply system which transmits from a common source to more than one dwelling, principal use and/or lot within a single neighborhood.
- C. PUBLIC OR MUNICIPAL WATER SUPPLY SYSTEM - A system of water collection, storage, transmission and delivery which is proposed to service a community but which is not confined to a single neighborhood

WAY OR LANE - A deeded or dedicated public or private right-of-way sometimes used as a secondary vehicular access to land or lot.

WETLANDS - As defined by the Pennsylvania Department of Environmental Protection (PaDEP), those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The three major characteristics of wetlands include vegetation, soil and hydrology

YARD - An open space at grade between a yard line and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

ZONING MAP - The South Manheim Township Zoning Map.

ZONING OFFICER - The agent or official designated by the governing body to administer and enforce the South Manheim Township Zoning Ordinance.

ZONING ORDINANCE - South Manheim Township Zoning Ordinance of 2006, as amended.



ARTICLE III  
ADMINISTRATION AND ENFORCEMENT

**Enforcement & Penalty**

100-7 AUTHORITY

These Regulations are created pursuant to authority established in Section 501 of the Pennsylvania Municipalities Planning Code and shall have jurisdiction upon any lot situated within the South Manheim Township limits.

100-8 JURISDICTION

- A. The South Manheim Township Board of Supervisors shall have jurisdiction of subdivision and land development within the Township limits. In order to assist the Board of Supervisors in its consideration of subdivisions and land developments, the Board of Supervisors hereby decrees that the South Manheim Township Planning Commission shall serve the following functions:
1. All plans proposing subdivision or land development, upon submission to the Township, shall be referred to the Planning Commission for review.
  2. The Planning Commission shall make recommendations to the Board of Supervisors concerning approval, conditional approval, or disapproval of such plans.
  3. The Planning Commission shall also make recommendations to the Board of Supervisors concerning the interpretation of this Chapter and the Township Zoning Ordinance.
- B. The South Manheim Township Board of Supervisors shall consider the recommendations offered by the Planning Commission prior to taking action on any proposed subdivision or land development plan.

100-9 FEES

- A. The South Manheim Township Board of Supervisors shall establish by resolution a schedule of fees and a collection procedure for all applications and other matters pertaining to this Chapter. Submission of a Plan by an applicant constitutes the applicant's acknowledgement and consent to the provisions of the Resolution.
- B. The applicant is also required to pay any review fees required by the Schuylkill County Planning Commission, the Schuylkill County Conservation Service, and any other local, state and federal reviewing authority or agency.
- C. The applicant shall pay to the Township the appropriate nonrefundable filing fee, and escrow deposit in accordance with the Resolution prior to:
- (1) Filing a sketch plan on which applicant is requesting a review or comment

by Township Consultants;

- (2) Filing a preliminary plan; and
- (3) Filing a final plan.

Thereafter, as the escrow deposit is expended, the applicant shall make further deposits upon request notice from the Township. The proposed application shall not be considered by the Township until all initial fees, costs, and escrow deposits are paid.

- D. Invoices and request notices for additional deposits shall be submitted to the applicant on a thirty-day, monthly basis. All outstanding review fees, costs, and escrow deposits shall be paid to the Township upon applicant's receipt of the invoice and/or notice. If the review fees and/or deposits are not paid at the time of the next submission and/or plan stage, the subdivision or land development plan will not be considered by the Township, unless the unpaid fees were disputed by the applicant within 45 days of their billing date.
- E. Subsequent to a decision by the Township on an application, the Township shall submit to the applicant an invoice specifically designated as a final bill. The final bill shall include all fees and costs through and including the filing of the Final Approved Plan with the Recorder of Deeds. At that time, any deposit remaining in the escrow account of the applicant with the Township, not needed to pay the final bill, should be refunded to the applicant. If for any reason additional review is required subsequent to the final bill, the fees and costs shall be charged to the applicant as a supplement to the final bill.

#### 100-10 AMENDMENTS

Any amendment to this Chapter shall be in accordance with Section 505 of the Pennsylvania Municipalities Planning Code. The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this Chapter.

- A. Proposals originated by Board of Supervisors: The Board shall refer every proposed amendment, supplement, change, modification or repeal originated by said Board to the Township Planning Commission and the Schuylkill County Planning Commission. Within thirty (30) days of the submission of said proposal, the Township Planning Commission shall submit to the Board of Supervisors a report containing its recommendations, including any additions or modifications to the original proposal.
- B. Proposals originated by Planning Commission: The Township Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change modification or repeal of this Chapter.
- C. Hearings: Before voting on the enactment of any amendment, the Board of Supervisors shall hold a public hearing thereon with notice as required by law. No amendment shall become effective until after such hearing, at which parties in interest and citizens shall have an opportunity to be heard. If, after any public

hearing held on an amendment, the proposed amendment is revised or further revised, the Board may hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

- D. After Adoption: Within thirty days after adoption, the Board of Supervisors shall forward a certified copy of any amendments to the Chapter to the Schuylkill County Planning Commission for their records.

#### 100-11 APPEALS

Decisions of the South Manheim Township Board of Supervisors may be appealed in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

#### 100-12 MODIFICATIONS / WAIVERS

- A. The provisions of this Chapter are intended as minimum standards for the protection of the public health, safety, convenience and general welfare of the residents of South Manheim Township. The Township may waive or modify these provisions in individual cases as may be deemed necessary in the public interest, provided that such modification shall not have the effect of nullifying the purpose and intent of this Chapter.
- B. If the literal compliance with any mandatory provision of this chapter is shown by the applicant to be unreasonable and causes undue hardship to his property, the Township may grant a waiver of such mandatory provision.
- C. The applicant shall submit a written waiver request to the Planning Commission for review and comment. The waiver request shall reference the applicable section of this Chapter and indicate the reason or purpose for such a request. The Planning Commission shall provide a recommendation to the Board of Supervisors for each waiver requested by the applicant. The Board of Supervisors shall consider waiver requests at its regularly scheduled meeting.
- D. The list of such modifications shall be entered in the minutes of the Township Planning Commission and/or Board of Supervisors. In addition, the waiver shall be clearly identified on the proposed plan.

#### 100-13 RECORDS

The Planning Commission and the Board of Supervisors shall keep a record of their findings, decisions and recommendations relative to all subdivision and land development plans filed for review and action. Such records shall be made available to the public for review.

#### 100-14 SEVERABILITY

It is hereby declared to be the legislative intent of South Manheim Township that:

- A. If a court of competent jurisdiction declares any provisions of this chapter to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Chapter shall continue to be separately and fully effective.
- B. If a court of competent jurisdiction finds the application of any provision or provisions of this Chapter to any lot, building or other structure or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be affected.

#### 100-15 VIOLATIONS & PENALTIES

- A. Any person, partnership or corporation who or which has violated the provisions of any subdivision of land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the municipality as a result thereof. No judgment shall commence or be imposed, levied or 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.
- B. The court of common pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this Chapter.

**ARTICLE IV**  
**PLAN PROCESSING PROCEDURES**

100-16 GENERAL

- A. This article provides an overview of the general procedures for the application, submission, review and the approval of proposed subdivision plans or land development plans within South Manheim Township.
- B. All subdivision and land development plans within the corporate limits of South Manheim Township shall be reviewed by the South Manheim Township Planning Commission, the Schuylkill County Planning Commission and other Township, state or county officials as deemed necessary, and shall be approved or disapproved by the South Manheim Township Board of Supervisors in accordance with the procedures specified within this article and within other sections of this Chapter.
- C. For all proposed subdivision and land development plans, except those exempted from standard procedures, a sketch plan (recommended but not required), preliminary plan and a final plan must be submitted to the Township for review and approval. Those plans exempted from this standard procedure shall comply with the procedures identified under Section 100-20 of this Chapter.
- D. Whenever the South Manheim Township Zoning Ordinance provides that the use proposed by the applicant for subdivision and/or land development approval shall constitute a use by special exception or a conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or the Board of Supervisors, as applicable, prior to the submission of the preliminary plan. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception or conditional use by the Zoning Hearing Board or the Board of Supervisors, as applicable.
- E. Whenever the applicant proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the South Manheim Township Zoning Ordinance (Ordinance #79, as amended), the applicant shall obtain such variance from the Zoning Hearing Board prior to the submission of the preliminary plan. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such variance or variances by the Zoning Hearing Board.
- F. Whenever all or a portion of the land contained within an application for subdivision or land development approval constitutes all or a portion of land included in a prior subdivision or land development plan approved by the Township, the Schuylkill County Planning Commission and recorded in the Office of the Recorder of Deeds in and for Schuylkill County, Pennsylvania, the plan shall comply with all conditions, restrictions and notes imposed on the prior approval and/or included upon the recorded subdivision or land development plan. The applicant shall identify all prior recorded subdivision and/or land development plans of which all or a portion of the land contained in the plan was

a part and all conditions, restrictions and notes which affect the current application. Failure to identify all applicable conditions, restrictions and notes of record on prior plans constitutes a violation of this Chapter. The applicant shall submit with the application for preliminary plan approval a statement identifying the prior plans reviewed; the conditions, restrictions and notes which would impact development in accordance with the plan for which approval has been requested; and an explanation of the manner in which the proposed plan has been designed to comply with such conditions, restrictions and notes. This information shall be signed by the applicant or the applicant's engineer or landscape architect.

#### 100-17 SKETCH PLAN APPLICATION AND REVIEW

##### A. Purpose

The purpose of this optional sketch plan is to provide an opportunity for the applicant/developer and the Township to review the intended subdivision or land development plan prior to preparation of extensive engineering drawings and to allow for comments and recommended modifications prior to preparation of a preliminary plan. A sketch plan is recommended for a major subdivision but shall not constitute an official submission to the Township.

##### B. Sketch Plan Review

The following is a list of procedures to be used to review the Sketch Plan.

1. The applicant/developer shall submit 7 copies with filing fees (see Section 100-9) to the Township Secretary at least 21 days prior to a Township Planning Commission meeting. Plans shall fully comply with Article VI 100-21 of this Chapter. Incomplete documents will be returned to the applicant for completion.

Within 5 days the plans shall be distributed to

- a. Township Planning Commission
- b. Township Engineer or Consulting Engineer as required by Planning Commission

Township Zoning Officer

3. At its first regular meeting, following receipt of the completed sketch plan the Township Planning Commission will review the developer's submission, evaluate the plan, make recommendations, and direct the developer to the subsequent stages.

100-18 PRELIMINARY PLAN APPLICATION AND REVIEW

A. Purpose

The purpose of the preliminary plan is to require formal conditional approval of plans in order to minimize changes and revisions at the final plan stage. The following are procedures to be used in the review of preliminary plans.

B. Official Submission of Preliminary Plan

The developer/applicant shall submit the following information to the Township Secretary in order to constitute an official submission of the preliminary plan. Incomplete submission will be returned to the applicant for completion.

1. A written application, provided by the Township Secretary, signed by an authorized representative of the subdivider.
2. Eight (8) black-on-white prints of the preliminary plan which shall fully comply with Section 100-22 of this Chapter.
3. Three (3) copies of any required supplemental studies and reports.
4. Filing fees (see Section 100-9).
5. No application shall be deemed filed and accepted for review until all supplementary data, reports and studies as may be required under Article VI have been received, and any other requirements for submission specified herein have been met.
6. At the discretion of the Township, the applicant shall submit and distribute the proposed preliminary plan to any local, state and/or federal authorities for their review and comment. The Township shall be copied on all of the Applicant's submittals and all correspondence for outside Township Agencies. Further, the Applicant shall be required to advise the Township on the status of any pending outside Agency applications / permits.
7. The applicant shall be required to notify the abutting property owners that a preliminary plan has been proposed for a specific piece of property. Such notification shall occur at least 21 days prior to the regularly scheduled Planning Commission meeting at which the proposed plan shall be reviewed and discussed. All abutting property owners adjoining the tract and property owners across the street from the subject tract shall be notified by certified mail, return receipt requested. Evidence of such notification in the form of a certified mail receipt shall be presented to the Planning Commission at its first meeting following formal submission of the plan.
8. The applicant shall be required to post the property proposed for subdivision and/or land development, clearly describing the intent of the



subdivision and/or land development. The posting shall be printed upon a twenty-four-inch by thirty-six-inch weatherproof sign. The posting must be clearly visible from any adjoining roads. It shall be posted a minimum of 21 days prior to the initial Planning Commission meeting at which the preliminary plan shall be reviewed. The posting shall remain on the property and remain legible throughout the duration of the subdivision/land development review process. The applicant shall notify the Township when the property has been posted, to allow verification.

9. Documentation of compliance with notification and posting requirements will be required before any action will be taken by the Planning Commission.

C. Distribution & Review

1. Within 5 days the plans and supporting documents shall be distributed to:
  - A. Township Planning Commission – 5 copies
  - B. Township or Consulting Engineer – 1 copy
  - C. Township Zoning Officer – 1 copy
  - D. Township Board of Supervisors – 1 copy
2. Review by the Consulting or Twp. Engineer

The Engineer shall review the preliminary plan to determine its conformance to the Township Subdivision Regulations and other applicable Township ordinances (zoning, stormwater, etc.). The Engineer shall recommend changes, alterations or modifications, as deemed necessary. The report of the Township Engineer shall be in writing and shall be submitted to the Township Planning Commission prior to the regularly scheduled meeting at which time the preliminary plan is to be considered by the Township Planning Commission.

3. Review by the Township Zoning Officer

The Township Zoning Officer shall review the preliminary plan to determine its conformance to the Township Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under Ordinance #79 as amended, to determine if information shown is in accordance with the Zoning Ordinance. The report from the Township Zoning Officer, as to the accuracy of the information shown, shall be submitted to the Township Planning Commission prior to the regularly scheduled meeting at which the preliminary plan is to be considered by the Planning Commission.



4. Review by the Township Planning Commission

- A. When a preliminary plan has been officially submitted, such plan shall be reviewed by the Township Planning Commission at its next regularly scheduled meeting, provided that such official submission has occurred no less than 21 calendar days prior to such regularly scheduled meeting. The ninety (90) day review time period will run from the date of the first Planning Commission meeting at which the preliminary plan has been officially accepted.
- B. During review of the preliminary plan, the Township Planning Commission shall consider the written reports of the Engineer and the Township Zoning Officer, Pennsylvania Department of Environmental Protection and local Sewage Enforcement Officer, and Schuylkill County Soil and Water Conservation District prior to making its recommendation to the Board of Supervisors.
- C. During the course of the Planning Commission's review of the preliminary plan and prior to any action by the Board of Supervisors within the required ninety-day period, the proposed preliminary plan may be revised by the applicant. Upon the submission of a revised plan, to bring the prior plan into compliance with zoning and subdivision & land development requirements, a new ninety-day time period for formal review and notification shall commence from the date of submission of the revised plan. The revised plans shall be submitted to the Planning Commission not later than 21 days prior to a regularly scheduled meeting of the Planning Commission.
- D. Upon completion of its review, the Township Planning Commission shall submit its recommendations in writing to the Board of Supervisors. The appropriate written correspondence shall be submitted to:
  - 4. The Township Board of Supervisors
  - 5. The subdivider, or his agent

5. Review / Approval by Board of Supervisors

- A. Following the review of the preliminary plan and accompanying data by the Township Engineer, Township Solicitor, Township Zoning Officer, Township Planning Commission, and the Schuylkill County Planning Commission, the Board of Supervisors shall approve, approve with conditions or reject the proposed

preliminary plan. Conditions for approval must be clearly stated in writing.

- B. If rejected, the Township Board of Supervisors shall specify the reasons for rejection, including citation of or reference to the pertinent sections of this Chapter and/or other Township ordinances.
- C. The decision of the Board of Supervisors shall be rendered no later than 90 days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to the Township Secretary. However, if the next regular meeting of the Planning Commission is more than 30 days after the submission date, the first day of the ninety-day review period shall commence on the 30th day after a complete submission has been given by the applicant. This review period may be extended by the applicant, subject to acceptance by the Township. *(A sample form to be used for a time extension grant is provided in the Appendix to this Chapter.)*
- D. Approval or approval with conditions of a preliminary plan shall not constitute approval of the final plan. Rather, it shall be deemed an expression of approval of the layout shown on the preliminary plan as a guide to the preparation of the final plan. The final plan must also be reviewed and approved by the Township as outlined under Section 100-19 of this Chapter.

#### 100-19 FINAL PLAN APPLICATION AND REVIEW

- A. The purpose of the Final Plan is to obtain formal approval by Township Supervisors for completed plans and to enter into necessary Performance Bonds or contracts prior to recording and commencement of work. The Final Plan shall conform substantially to the Preliminary Plan as approved.

Within 12 months of receiving approval or approval with conditions of a preliminary plan, the applicant shall submit to the Township Secretary the final plan and all supplementary data as required within this Chapter at least 21 days prior to the regularly scheduled monthly meeting of the Township Planning Commission. Where the twelve-month deadline for submission has been specifically made a condition of preliminary approval and noted on the plan, failure to file a final plan within 12 months or failure to enter into a written extension of time to file a final plan, shall be deemed a default and violation of preliminary plan approval, and the applicant will no longer be entitled to protection from the application of new or amended zoning, subdivision or other governing ordinance provisions, but instead will be subject to any and all changes to the ordinances.

B. Official Submission of the Final Plan

The developer/applicant shall submit the following information to the Township Secretary in order to constitute an official submission of the Final Plan. Incomplete submissions will be returned to the applicant for completion.

1. A written application for Review of Final Subdivision Plan signed by an authorized representative of the subdivider.
2. Nine (9) black-on-white copies of the Final Plan, which shall fully comply with Article VI Section 100-23 of these regulations.
3. Filing Fees – (See Article III – 100.9)
4. Three (3) copies of any required supplemental studies and reports.
5. Any other information that may be required by this Chapter, the Township Planning Commission or the Board of Supervisors.

C. Distribution & Review

1. The Final Plan and supporting documents shall be distributed in accordance with Article IV Section 100-18(C)(1) - Preliminary Plans.

In addition:

- a. Schuylkill County Planning Commission - 1 copy
2. Engineer Review - In accordance with Article IV Section 100-18(C)(2).
3. Zoning Officer Review – In accordance with Article IV Section 100-18(C)(3).
4. Review by the Township Planning Commission – In accordance with Article IV Section 100-18(C)(4)
5. Review by the Schuylkill County Planning Commission – Final Plans for subdivisions and land developments shall be forwarded within 5 days to the County Planning Agency for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant: Provided, that the Township Board of Supervisors shall not approve such applications until the county report is received or until the expiration of 30 days from the date the application was forwarded to the County.
6. Review / Approval by the Township Board of Supervisors
  - a. When a Final Plan has been referred to the Township Board of Supervisors by the Township Planning Commission together with

its recommendation, such Plan shall be reviewed at the next regularly scheduled meeting of the supervisors, provided that such official submission has occurred no less than seven (7) calendar days prior to such regularly scheduled meeting.

- b. The Township Board of Supervisors shall review the Final Plan and the written reports thereon of the Township Planning Commission, the Township Engineer and by any other officials and official boards of the Township, to determine the Final Plan conformance to the standards contained in these regulations. The Township Board of Supervisors shall require or recommend such changes and modifications as it shall deem necessary or advisable in the public interest.
- c. The action of the Township Board of Supervisors, either approving or disapproving the Final Plan, shall be noted with the date of such action and the signature of the Chairman on six sets of plans. The findings and reasons upon which the action is based shall also be stated in the minutes and in writing.
- d. The decision of the Board of Supervisors shall be rendered no later than 90 days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to the Township Secretary. However, if the next regular meeting of the Planning Commission is more than 30 days after the submission date, the first day of the ninety-day review period shall commence on the 30th day after a complete submission has been given by the applicant. This review period may be extended by the applicant, subject to acceptance by the Township. *(A sample form to be used for a time extension grant is provided in the Appendix to this Chapter.)*
- e. Within fourteen (14) days after the meeting at which the Final Plan is reviewed, the Secretary of the Township shall send written notice including the signed plan and the written findings and reasons thereof to the following:
  - 1) The County Planning Commission
  - 2) The subdivider, or his agent
  - 3) The Township Planning Commission
- f. All pertinent agreements, contracts, fees and contributions shall be satisfactorily completed and/or executed by the applicant prior to municipal approval. Failure to comply will delay municipal approval and the release of plans for recording.
- g. Upon satisfaction of all requirements, the signed and sealed plans will be endorsed by the Township and recorded by the Township with the Schuylkill County Recorder of Deeds. Costs for

recording of the plans will be the responsibility of the applicant and will be billed by the Township as a supplement to the final billing.

## **ARTICLE V**

### **EXEMPTIONS**

#### **100-20 EXEMPTIONS TO STANDARD PLAN PROCESSING PROCEDURES**

##### **A. Minor Subdivision**

Minor subdivisions require a simplified procedure and modified submission requirements. Where the sole purpose of the proposed plan is to create up to three parcels, lots or tracts of land from the original tract of land, and each lot has adequate frontage on an improved public road, the applicant may submit a Minor Subdivision Plan to the Township for review, comment and approval.

After the effective date of this Chapter, only one (1) minor subdivision will be permitted over any period of time for any parcel within the Township.

##### **1. Procedure**

- a. A sketch plan submission is suggested for a minor subdivision. A Final Plan is the Record Plan for a minor subdivision. Upon favorable review of the sketch plan by the Planning Commission, the applicant would be directed to submit a formal minor subdivision plan. The Minor Subdivision Plan is submitted, processed, reviewed and acted upon in the identical manner as a Final Subdivision Plan, as outlined in Article IV Section 100-19 of this Chapter.
- b. The Minor Subdivision Plan shall contain all changes, modifications, notations and agreements required by the Board of Township Supervisors at the time of approval. In addition, the certifications and signatures required for recording shall be shown on the Final Plan.

##### **B. Annexation Plans**

1. Where the conveyance, sale or transfer of land from one parcel to an adjacent parcel is proposed for the sole purpose of increasing lot size, and not for the purpose of creating a separate new lot or a land development, the subdivider may submit only a Final Plan of Record to the Township rather than submit Sketch, Preliminary, and Final Plans. The Final Plan shall contain all information required under Article V Section 100-20(A) Minor Subdivision and shall be reviewed in accordance with Article IV Section 100-19.
2. The proposed plan shall indicate that the purpose of the plan is for annexation purposes only. No new building lots are proposed as a result of this plan.

3. Annexation plans shall include a signature block for both the property owner of the land to be subdivided as well as for the owner of the property receiving the annexation parcel.

C. Revised Plan of Record

Minor revision to existing plats of record such as boundary adjustments and corrections for the purpose of clarification require a Final Plan. The Final Plan shall contain all information required under Article V Section 100-20(A). Minor subdivision shall be reviewed in accordance with Article IV Section 100-19.

Such minor revisions shall:

1. Not create lots
2. Not change easements or R.O.W.'s
3. Not change street locations or block sizes
4. Not change utility locations
5. Not change open space or recreation areas
6. Not increase the number of lots

Any replatting or resubdivision of land that does not meet one or more of the exemption requirements listed above, shall be considered a major subdivision and shall comply with the requirements of this Chapter.

The revised plan of record shall specifically identify the previous plan of record superseded and shall also contain the record references.

After the revised plan of record has been approved by the Township, the applicant shall then record the new plan in accordance with this Chapter.

## **ARTICLE VI**

### **SUBMISSION REQUIREMENTS**

#### **100-21 SKETCH PLAN REQUIREMENTS**

NOTE: Prior to the submission of a Sketch Plan, the developer is encouraged to consult the Schuylkill County Conservation District concerning erosion & sedimentation controls. The developer should also investigate the possibility of wetlands and/or floodplain areas that exist within the proposed subdivision land development.

A. The sketch plan shall contain at least the following information, legibly drawn to scale, but not necessarily showing precise dimensions. Sheet size and plan scale shall conform to the requirements for preliminary plans.

1. Tract boundary, and total acreage
2. General lot and street layout
3. Existing physical features
4. Topography taken from the U.S.G.S. Maps
5. All existing & proposed Right-of-Ways
6. Floodplain and or wetland areas
7. North arrow
8. Written and graphic scales
9. Proposed method of sewage disposal and water supply

#### **100-22 PRELIMINARY PLAN REQUIREMENTS**

The Preliminary Plan shall be drawn in black India ink on sheets 24" by 36" inches or six-inch multiples thereof and shall be at a scale no greater than 50' = 1" and no less than 100' = 1". Where necessary, the plan may be on several sheets, accompanied by an index sheet showing the entire subdivision.

A. General Information to be shown:

1. Name of the subdivision or land development.
2. Name, address and certification title of the owner.
3. Name and address of the engineer, surveyor or architect responsible for the plan, plus appropriate certification.
4. Date, north point and graphic and written scale.

A location map for the purpose of locating the site to be subdivided or developed.



6. Zoning data, including all of the following which are applicable:
  - a. Existing zoning district designations, requirements, use and bulk regulations, and any zoning district boundary lines traversing the proposed subdivision or land development.
  - b. any changes in the existing zoning including any variances, conditional uses, or special exceptions that have been granted. Applicant should submit copies of documentation of any granted zoning changes.
  - c. Any changes in the existing zoning proposed to be requested by the applicant. It is noted that any requested zoning changes will need to be secured by the applicant prior to any action to approve the preliminary plan by the Township.

B. Existing Features

1. Total tract boundaries of the property being subdivided or developed showing bearings and distances, with the deed book volume and page number; statement of total tract acreage and the area being subdivided or developed.
2. Names of all adjoining record owners, with the deed book volume and page number as well as names of all recorded adjoining subdivisions, if any, with the plan book and page numbers.
3. Contour lines determined by acceptable surveying practices at vertical intervals of two feet, or at intervals of five feet for land with an average natural slope exceeding ten percent.
4. Location and elevation of the datum to which contour elevations refer; where reasonably practicable, datum used shall be a known, established bench mark.
5. All existing streets, including streets of record (recorded by not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths, and approximate road grades.
6. All existing buildings or other structures located within the tract.
7. All existing man-made features within the proposed development and within 50 feet of the proposed development. This may include, but is not limited to, sanitary sewer facilities, on-lot sewage facilities. Water supply facilities, wells, fire hydrants, utility transmission lines. stormwater management facilities, culverts, bridges and railroad lines. Where applicable, the size, type, material and invert elevations shall also be identified on the plan.

8. All existing natural features within the proposed development and within 50 feet of the proposed development. This may include, but is not limited to, watercourses, floodplain areas, natural drainage patterns, soil types and descriptions, quarries, delineated wetlands, hydric soils, high water table soils, tree masses, steep slopes, sinkholes and rock outcrops.
9. The location, dimensions and ownership of all access right-of-way or easement within the proposed development. A statement of any conditions governing their ownership and use shall be included on the plan.
10. The location, size and ownership of all existing utilities and utility rights-of-way within the proposed development. A statement of any conditions governing their ownership and use shall be included on the plan.
11. When a preliminary plan contains more than one sheet, a plan index should be included on the title sheet.

C. Proposed Layout:

1. Lot layout, including dimensions and bearings and consecutive numbering of lots.
2. Location, cartway width and right-of-way width of all proposed streets along with suggested street names, with a statement of any conditions governing their ownership and use.
3. The arrangement of buildings and parking areas in commercial and multi-family developments, with all necessary dimensions noted on the plan.
4. A plan note of the total number of lots and parcels (any residue property shall be included as a separate lot), and the intended use of all lots and parcels within the development.
5. Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line, along with all existing and proposed property markers.
6. The proposed building setback lines (front, side and rear yards) for each lot or the proposed location of each building.
7. Accurate locations of all monuments, to be provided at the proposed lot lines along the road frontage and for new roads, two to be placed at each street intersection and one on one side of each street at angle points and at the beginning and end of curves. Utility easements shall be monumented pinned at their beginning and end. Any areas to be conveyed for public use shall be fully monumented at their external boundaries.

8. The location, width and purpose of all easements or right-of-ways and boundaries by bearings and dimensions.
9. For multi-family developments, the total area, total dwelling units, number of buildings, proposed density, total parking spaces, building coverage and the floor area ratio shall be noted on the plan.
10. The location, size and invert elevations of all existing and proposed storm sewers and locations of all manholes, inlets and culverts and the design calculations of same, along with the plan and profile of same and any appurtenances.
11. The location of all proposed fire hydrants and utilities.
12. Typical cross-sections and street profiles for all streets. These plans may be submitted as separate sheets at a scale no larger than 1" = 10' horizontal and 1" = 1' vertical. The profiles shall show at least the following information, properly labeled:
  - a. Existing (natural) and proposed finished grades along the center line of each proposed street.
  - b. The length of all vertical curves.
  - c. Existing and proposed storm sewer mains, manholes, inlets and culverts.
  - d. Existing and proposed sanitary sewer mains and manholes.
  - e. All profiles shall show pipe crossings, storm sewers, sanitary sewers, water lines, and any other underground utility crossings.
  - f. Profiles shall extend to points of connection with existing lines.
  - g. Proposed water distribution system and all appurtenances (if applicable).
13. Location of proposed sanitary sewage facilities, with notes on the plan of any conditions governing the ownership, operation and maintenance of the proposed facilities and their relationship to existing facilities.
14. Where on-lot sewage disposal is proposed, the location of the probe and percolations test sites (for both primary and replacement absorption area sites) shall be shown on the plan. The results of such tests shall be submitted to the Township for review as part of the sewage facilities planning module review process. Approval of the planning module by the

Pennsylvania Department of Environmental Protection (PaDEP) will be required prior to approval of the preliminary plan by the Township.

15. Location of proposed water supply facilities, with notes on the plan of any conditions governing the ownership, operation and maintenance of the proposed facilities and their relationship to existing facilities. In the case of individual on-lot water supply (wells), the proposed well locations shall be shown on the plan along with the required 100 foot isolation distance for each well location.
16. Parks, playgrounds and other areas dedicated or reserved for public use, with notes on the plan of any conditions governing their ownership, operation, maintenance and use.
17. A stormwater management plan shall be prepared in accordance with Section 100-34 of this Chapter.
18. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of this Chapter, the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Department of Transportation.
19. The Pennsylvania Department of Transportation (PaDOT) shall review all plans when access is proposed onto a state road or when encroachment is proposed within a state right-of-way. All applicable permits shall be approved by PaDOT prior to preliminary plan approval. The highway occupancy permit number shall be noted on the plan.
20. Six (6) completed copies of the sewer planning module as well as security and maintenance agreements, as applicable to the particular system for subdivision or land development, as required by the Pennsylvania Department of Environmental Protection.
21. A grading plan should be prepared for the tract addressing general lot and street grading.
22. A landscape plan should be prepared for the tract in accordance with the requirements of Section 100-36 of this Chapter.
23. Where common open space areas are being proposed / required, the submittal shall include drafts of ownership and maintenance documents for Township review.
24. When required, a lighting plan shall be prepared and shall be submitted in accordance with Section 100- of this Chapter.

## 100-23 FINAL PLAN REQUIREMENTS

Submission requirements for major subdivisions and land development plans. The Final Plan submission requirements shall be identical to the Preliminary Plan submission requirements outlined in Section 100-22, except that all data shall be in final form and the following additional information shall be required.

### A. Additional Final Plan Items:

1. Total tract boundaries of the property being subdivided or developed, with accurate distances to hundredths of a foot and bearings to  $\frac{1}{4}$  of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one foot in 10,000 feet. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan and the placement of the monuments.
2. A "certification of ownership, acknowledgement of plan and offer of dedication" shall be provided on the plan and shall be duly acknowledged and signed by the owner or owners of the property before an officer authorized to take acknowledgement of deeds. A sample certification note has been included at the end of this Chapter. In the case of annexation plans, both the property owner of the land being subdivided and the owner of the property who will be receiving the annexation parcel will need to sign an ownership certificate.
3. A "certification of accuracy" shall be provided on the plan and shall be duly acknowledged, signed and sealed by the professional engineer, surveyor, architect or landscape architect responsibilities for preparing the plan. A sample certification note has been included at the end of this Chapter.
4. Certificates for municipal endorsement of the plan by the Township Planning Commission and Board of Supervisors. Sample endorsement notes have been included at the end of this Chapter.
5. A blank space measuring 3  $\frac{1}{2}$  inches square shall be left. Preferably adjacent to the Township certifications, in which the endorsement stamp of the Schuylkill County Planning Commission may be applied.
6. A blank space measuring 3 inches square shall be left along the lower edge of the plan in order that the Schuylkill county Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.
7. Final approval of the suggested street names by the Township and by the United States Postal Service. Final approval of the street names will be required prior to municipal approval of the final plan.

8. Location, layout, dimensions and areas of all existing and proposed lots within the development. All dimensions, arc length and curve radii shall be shown and defined to the nearest 0.01 foot. Bearings or deflection angles at changes in direction of line as well as central angles of all curves shall be shown to the nearest 15 seconds.
9. Finalized copies of previously required plans such as grading plan, landscape plan, lighting, and stormwater management plan, etc.
10. Documentation of approval of the sediment and erosion control plan by the Schuylkill County Conservation District must be provided prior to municipal approval of the final plan.
11. Documentation of approval of the highway occupancy permit for new street intersections or driveway locations on a state road from the Pennsylvania Department of Transportation prior to final approval of the plan. The highway occupancy permit (HOP) shall be noted on the plan.
12. Final designs of any bridges or culverts which may be required. All such designs shall be approved by the appropriate agency or authority prior to municipal final plan approval.
13. Approval of the sewer planning module by the Pennsylvania Department of Environmental Protection shall be required prior to final plan approval by the municipality.
14. An estimate of construction costs for all proposed public improvements (roads and public or community sewer and water) as well as for the proposed stormwater management facilities, landscaping, lighting, and erosion and sediment pollution control as may be required for the particular development.
15. All conditions, standards and provisions pertaining to the guarantee and/or the installation of all required improvements that have been required by this Chapter. If required, in the case of improvements not being installed prior to final plan approval, an improvements agreement shall be properly executed between the Township and the developer prior to municipal approval.
16. Copies of any outside agency required permits required in order to construct the proposed improvements shall be required prior to municipal approval.

#### 100-24 AS-BUILT / IMPROVEMENT PLANS

Upon the completion of all improvements required under Article VII Design Standards and Required Improvements, the applicant or developer shall supply the Township a set

of plans for the entire tract showing all lot lines as deeded, all surface improvements and subsurface improvements as actually constructed. The plans shall be prepared at the same scale as the approved final plan.

- A. After approval of the Preliminary Plan, the subdivider shall guarantee the installation of all required improvements by the following method:

The subdivider must post a performance guarantee at the time of the Final Plan, in the amount of 110 percent of the cost of all improvements required by this ordinance.

1. On behalf of the applicant, a licensed Professional Engineer (P.E.) shall prepare and submit a fair and reasonable estimate of costs of completion of required improvements.
2. In the event the Engineer representing the Township for good cause shown, shall recommend that the estimate be refused, the applicant and Township shall mutually agree upon a third P.E. to re-estimate these costs; and,
3. The estimate of the third P.E. shall be presumed to be a fair and reasonable final estimate to be adopted by both applicant and municipality, each of which shall pay one-half of the fees owed to the third P.E.

The performance guarantee may be either a performance bond in a form and with good and sufficient surety, or a certified check payable to the Township, or a deposit in escrow, of cash or securities.

Performance guarantees shall be submitted in a form and with a surety approved by the Township solicitor, guaranteeing the construction and installation of all improvements within a stated period which shall not be longer than 1 year from the date of final subdivision approval.

Upon written application signed by both the obligor and surety of a performance guarantee, in a form approved by the Township solicitor, the Township Board of Supervisors may, at its discretion, extend said period up to but not more than three (3) additional years.

As the work of installing the required improvements proceeds, the party posting the financial security may request the governing body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the governing body, and the governing body shall have 45 days from receipt of such request within which to allow the official engineer to certify, in writing, to the governing body that such portion of the work upon the improvements has been completed in accordance with the approval plat. Upon such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the official engineer fairly representing the value of the improvements completed or, if the governing

body fails to act within said 45-day period, the governing body shall be deemed to have approved the release of funds as requested. The governing body may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

Performance guarantees shall not be released except by a release in writing from the Township Board of Supervisors.

The subdivider shall assume full responsibility to make any changes or modifications which may be required as part of the Final Plan approval.

- B. Construction and improvement drawings in final detail for drainage; street construction; grading; landscaping; lighting, where required; erosion control; water supply and fire hydrants; sanitary sewer; and appurtenances. Plans, profiles and cross sections shall be included.
- C. Evidence of approval of the storm water management plan, sedimentation and erosion control plans and the required permits, as received from the appropriate agency, shall be submitted to the Township before the Final Plan is approved. In the event there is any required change by the Department of Environmental Protection of said plans, the Consulting Engineer shall be so notified in writing, and a complete revision of the Final Plan shall be required.
- D. Open space maintenance agreements and agreements related to any nonprofit association shall be submitted to and approved by the Township Solicitor as a condition of Final Plan approval.
- E. Protective covenants in final form for recording in the office of the Schuylkill County Recorder of Deeds, shall be presented.
- F. Any agreements for the dedication of R.O.W.'s.
- G. Other data required such as other certificates, affidavits or endorsements as may be required by the Planning Commission or Board of Supervisors.



## **ARTICLE VII**

### **DESIGN STANDARDS**

#### 100-25 **PURPOSE**

- A. The purpose of this Article is to establish and define the improvements and design standards which will be required by the Township in the review, approval and construction of any subdivision or land development.
- B. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, ~~morals~~ and general welfare.
- C. Whenever Township or other applicable regulations impose more restrictive standards and requirement than those outlines herein, such other regulations shall control.
- D. Where, in the opinion of the Planning Commission, the literal application of these design standards and/or required improvements would, in certain cases, cause undue hardship and/or is clearly unreasonable due to existing physical conditions of the land, the Planning Commission may recommend reasonable waivers. All such waivers shall be consistent with the purposes of this Chapter and the established goals, objectives and policies of the South Manheim Township Comprehensive Plan and the Township Zoning Ordinance. The South Manheim Township Board of Supervisors shall have the power to grant such waivers, as recommended by the Planning Commission, upon written request by the applicant.
- E. Approval of plans and the specifications provided within this Article shall be of equal force and effect. In the case of any discrepancy between the plans and these specifications, the decision of the Township or its authorized representative shall be final and conclusive as to which is preferred.
- F. All required improvements shall be installed by the developer in accordance with this Chapter and with Article V of the Pennsylvania Municipalities Planning Code (Act 247, as amended).

#### 100-26 **GENERAL DESIGN STANDARDS**

All portions of the tract shall be subdivided so that landlocked areas shall not be created. Wherever possible and as required by the Planning Commissioners, the developers shall preserve trees, groves, waterways, scenic points, and other community assets and landmarks. Subdivisions and land developments shall be laid out so as to eliminate the necessity for excessive cut or fill.

100-27 STREET DESIGN CRITERIA

A. Streets proposed in any major subdivision or land development shall be designed in accordance with the following standard.

1. Streets shall be carefully related to topography so as to produce reasonable and minimum grades, satisfactory drainage and suitable building sites.
2. Residential streets shall be so laid out as to discourage through traffic. However, the design of streets shall provide for continuation of existing or recorded streets and for proper access to adjoining undeveloped tracts suitable for future subdivision.
3. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs. Stub streets shall be designed with temporary turnaround built to the standard required for cul-de-sacs.
4. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated within the Township.
5. Whenever a tract to be subdivided or developed encroaches upon the legal right-of-way of a state highway, a highway occupancy permit (HOP) issued by the Pennsylvania Department of Transportation (PaDOT) shall be required. The PaDOT HOP number shall be placed on the plan prior to final approval by the Township.
6. Private streets (streets not offered for dedication) are prohibited, unless they meet the design standards of these regulations and are constructed to Township specifications.
7. When street lines are deflected in excess of three degrees ( $3^\circ$ ), connection shall be made by horizontal curves. A long-radius curve shall be preferred in all cases to a series of curves and tangents. To insure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:

<u>Street Type</u>	<u>Min. Center Line Radii</u>
Minor	150 feet
Collector	300 feet
Arterial	500 feet

A tangent of no less than 100 feet, as measured along the street center line, shall be provided between all horizontal curves on all streets. To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

New PaDOT  
Rule

8. The approaches to any intersection shall follow a straight course for at least fifty (50) feet, as measured away from the intersecting lines of right-of-ways.

9. Right-of-Way Requirements and Dimensions

Street <u>Category</u>	<u>ROW</u> <u>Width</u>	<u>Cartway</u> <u>Width</u>	Curb or Shoulder
Minor Street:			
• Off-Street Parking	50 ft.	22 ft.	Curb as necessary
• One-side on-street parking	50 ft.	28 ft.	Curb as necessary
• Two-side on-street parking	60 ft.	36 ft.	Curb as necessary
Collector Street:			
• Off-street parking	60 ft.	34 ft.	Curb as necessary
Cul-de-sac Street:			
• Off-street parking	50 ft.	22 ft.	Curb as necessary

10. Additional right-of-ways and cartway widths may be required by the Township Board of Supervisors as necessary.
11. New half or partial streets are not permitted.
12. Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width, and/or cartway width, additional right-of-way width and/or cartway width shall be dedicated and/or constructed to conform to the standards of this Chapter.
13. Where a subdivision or land development abuts or contains an existing street of inadequate horizontal and/or vertical alignment, the Township may require additional right-of-way width or cartway width in order to improve public safety.
14. Center-line street grades shall not be less than one percent (1%). The maximum street grades shall be as follows:
  - a. Residential, and minor streets: ten percent (10%) or as approved by the Board of Supervisors.
  - b. Major collector and major arterial streets: eight percent (8%) or as approved by the Board of Supervisors.
15. All approaches to an intersection shall have a leveling area not exceeding five percent (5%) in grade for a distance of 100 feet, as measured from the center line of the intersecting street.

16. For cul-de-sac streets, the following design shall be required:
- a. A permanent or temporary cul-de-sac exceeding six hundred (600) feet in length may be approved by the Board of Supervisors only if conditions of the tract warrant a cul-de-sac of greater length.
  - b. Cul-de-sacs shall have, at the closed end, a turn-around which is paved to an outside radius of not less than forty (40) feet, and has a right-of-way, with an outside radius of not less than fifty (50) feet.
  - c. The center line grade on a cul-de-sac street shall not exceed ten (10) percent, and the grade of the diameter of the turnaround shall not exceed five (5) percent.
  - d. Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, water shall be conducted away in an underground storm sewer or other means acceptable to the Township.
  - e. Cul-de-sacs shall be provided with a snow easement at the closed end.
  - f. The Board of Supervisors, upon recommendation of the Planning Commission and Township Engineer, may permit acceptable alternative turnaround designs.
17. Street intersections shall be designed to intersect at right angles. The minimum center-line offset between streets intersecting another street is one hundred fifty (150) feet. The minimum curb radii at street intersections shall be twenty-five (25) feet. For intersections involving only minor streets, thirty (30) feet for all intersections involving collector streets. Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.
18. A minimum clear-sight triangle of seventy-five (75) feet as measured from the center-line intersections of two (2) streets shall be provided at all intersections. No physical obstruction, planting, berm or grade shall obscure vision above a height of two (2) feet and below ten (10) feet in such triangle.
19. Bridges and culverts shall be designed to meet current PennDOT specifications. They shall be constructed to the full width of the right-of-way or to an adequate dimension to accommodate special grade conditions. Approval of the Pennsylvania Department of Environmental Protection and PennDOT, shall be required.

B. Swales, Curbs, Sidewalks, Street Signs and Street Lighting

1. Roadside swales are permitted for use along both sides of proposed streets as an appropriate means of controlling stormwater drainage based upon site topography and lot size. In particular for developments with lot sizes of two acres or larger, wide shallow swales with periodic stormwater catch basins are recommended to better maintain the rural character of the development. In those instances as determined by the Township Engineer where the use of roadside swales will not adequately manage stormwater runoff, the use of vertical curbs may be required to comply with stormwater management requirements.
2. In the interest of controlling drainage or traffic patterns as required by this Ordinance, the Township may require the developer to install swales or vertical curbs along an existing or exterior street on which a subdivision or land development abuts.
3. For multifamily residential developments, commercial and industrial sites, curbs for internal access roads, drives and parking areas shall be required.
4. Sidewalks may be required by the Township in those instances when heavy pedestrian traffic will result or where pedestrian safety requires such sidewalks or pedestrian pathways in the interest of public safety.
5. In the interest of public safety, the Township may require the developer to install sidewalks or a pedestrian pathway along an existing or exterior street on which a subdivision or land development abuts.
6. Sidewalks, when required, shall not exceed a grade of eight percent (8%). Sidewalks shall be laterally pitched at a slope of not less than one-fourth ( $\frac{1}{4}$ ) inch per foot to provide for adequate surface drainage.
7. The minimum width of all sidewalks, when required, shall be four (4) feet. The thickness and type of construction of all sidewalks shall be in accordance with the standards established by the Township.
8. In order to meet the requirements of the Americans with Disabilities Act, as amended, the Township Engineer may require the installation of handicap ramps along certain street / sidewalk segments within a proposed development.
9. Crosswalks may be required whenever necessary to facilitate pedestrian circulation and to give access to community facilities.
10. Street signs, as approved shall be required for all subdivisions and land developments. The developer shall erect, on metal poles, at every street intersection, a street sign or street signs. At intersections where streets cross, there shall be at least two (2) such street signs, and at intersections

where one (1) street ends or joins with another street there shall be at least one (1) such street sign.

11. Lighting Requirements

- a. Street lighting shall be required at the discretion of the Planning Commission and Board of Supervisors, for all or portions of single-family residential developments. As an option to standard street lighting, the Township may require the installation of individual driveway lights for each new lot with the lights to be located outside of the street right-of-way and to be on a dusk to dawn light sensor.
- b. In single-family residential subdivisions where appropriate conduit and wiring shall be installed underground.
- c. Lighting fixture selection for either street lights or individual driveway lights shall be subject to approval of the Township Engineer.

100-28 LOTS & PARCELS GENERAL STANDARDS

A. Lot Size & Width

1. Min. Lot Size – as required in the Zoning Ordinance for the Township of South Manheim.
2. Min. Lot Width – as required in the Zoning Ordinance for the Township of South Manheim.

B. Side lot lines should be at right angles to straight street lines or radial to curved street lines.

C. The depth of residential lots shall be at least equal to the width of such a residential lot.

D. All lots shall have direct access to a public street existing or proposed.

E. Where feasible, lot lines shall follow municipal boundaries rather than cross them in order to avoid jurisdictional problems.

F. Double or reverse-frontage lots shall be avoided except as needed to avoid direct vehicular access onto an arterial or collector street by individual driveways or to overcome physical site conditions. Driveway access for a reverse frontage lot shall be via a minor street. A reverse-frontage setback shall be established seventy-five (75) feet from the ultimate right-of-way line for the collector or arterial street. Between this setback and the ultimate right-of-way line for the

arterial or collectors street, a planting screen of ten (10) feet width shall installed in order to prohibit vehicular access.

## 100-29 SANITARY SEWAGE DISPOSAL

### A. General

1. This section along with all other pertinent plans, ordinances and/or resolutions adopted by the South Manheim Township Board of Supervisors shall be construed as implementing the provisions and requirements of the Pennsylvania Sewage Facilities Act, 35 P.S., Section 750.1 et seq., and the Clean Streams Law, 35 P.S., Section 691.1 et seq., or both, as hereafter amended.
2. All sewage disposal systems within the Township shall conform to the standards and requirements of the Pennsylvania Department of Environmental Protection. The installation of all sanitary sewage disposal systems shall be the responsibility of the developer.
3. The developer shall provide the most desirable method of sanitary sewage disposal. The selected method shall conform to the existing physical site conditions.
4. Sanitary sewer shall not be used to carry storm water.
5. All lots which cannot be connected to a live public or live community sanitary sewage disposal system at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system consisting of a septic tank(s) connected with a tile disposal field, or sand mounds, and which shall as a minimum requirement meet the design standards of the Pennsylvania Department of Environmental Protection.

### B. Soil Percolation Tests

1. Soil percolation tests shall be performed for all subdivisions where in building(s) at the time of construction will not be connected to a live public or live community sanitary sewage disposal system.
2. Where individual on-lot sewage disposal is proposed for a new lot, probe and percolation testing for both primary and replacement absorption area sites shall be undertaken for each proposed lot.
3. The results of the soil percolation tests for each lot shall be submitted to the Township for review as part of the sewage facilities planning module review process. Approval of the planning module by the Pennsylvania Department of Environmental Protection (PaDEP will be required prior to approval of the preliminary plan by the Township).

4. In those instances when a property is to be subdivided which includes an existing residence or other use which currently uses a on-lot sewage disposal system, the applicant will be required to have the existing system evaluated by the Township Sewage Enforcement Officer to determine adequacy need for a replacement system or replacement absorption area site within the new lot limits for the existing use.
5. Approved replacement absorption areas shall be identified on the plans and provided with an appropriate easement in order to protect the area from any future development (see Section 100-32, Easements).
6. When required by PaDEP as part of the planning module process, appropriate nitrate testing shall be undertaken. The results of such tests shall also be submitted to the Township for review as part of the sewage planning module review process.
7. If the soil percolation tests reveal that the soil on the proposed lot site will not accommodate on-site sewage disposal then the developer shall increase the lot size as necessary in order to accommodate an acceptable primary and replacement area within the proposed lot.

#### WATER SUPPLY

- A. Whenever an existing public or approved community water system is geographically and economically accessible to a proposed subdivision, a distribution system shall be designed to furnish an adequate supply of water to each lot. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system. Any such public or community water systems shall be designed and constructed in accordance with all applicable requirements / regulations of the Pennsylvania Department of Environmental Protection (PaDEP).
- B. Where public water systems are not accessible, and particularly where on-site sanitary sewage disposal systems are to be used, the feasibility of a community water supply system shall be investigated by the developer. The use of a community water supply system shall be approved by the Pennsylvania Department of Environmental Protection. Appropriate measures shall be provided to insure adequate maintenance. Suitable agreements shall also be established for the construction, ownership and maintenance of such a distribution system.
- C. Where individual on-site water supply systems(s) are to be utilized, each lot shall be of a size and shape to allow for the safe location of such a system. Wells shall be placed uphill from sewage disposal systems as far as practical and shall not be within one Hundred (100) feet of any part of the absorption (tile) field and within fifty (50) feet from lakes, streams, ponds, quarries, etc. or as required by PaDEP



- D. Where individual on-site water supply system(s) are to be utilized, the subdivider will provide at least one test well for each ten proposed lots (ex: 3 lots, 1 test well; 14 lots, 2 test wells). Such wells should be drilled, cased and grout sealed into bedrock, at least fifty (50) feet deep, and should have a production capacity of at least eight (8) gallons per minute of safe potable drinking water, as certified by an appropriate health officer and/or certified water testing lab. An existing well located within the subdivision may be used as part of the required computations subject to approval of the Planning Commission. The Township shall be provided with documents from a licensed well driller, verifying that the yield of each test well, and from a state certified laboratory verifying that the sample(s) is/are potable.
- E. At the discretion of the Planning Commission, a test well(s) may be required for any non-residential use. The total number and spacing of the test wells shall be determined upon the submission of a plan.
- G. The applicant may be required to submit a study prepared by a professional hydrogeologist, certifying that the proposed individual wells will be able to supply each lot with a dependable water supply and that the proposed wells will not adversely affect the groundwater table or existing wells near the project site. The study shall examine the possibility of contamination to the proposed wells due to existing environmental factors such as landfills, underground fuel tanks and septic tanks.
- H. Approvals for all water systems shall be required prior to approval of the Preliminary Plan.
- I. Fire Hydrants:
  - 1) All subdivisions or land developments that are to be served by public or community water supply shall provide for fire hydrants.
  - 2) Fire hydrants shall be located no further than 600 feet apart, as measured along the center line of each road. All residential dwelling units and non-residential principal buildings shall be located no farther than 400 feet from an active fire hydrant.
  - 3) Fire hydrants shall be located in a manner to provide complete accessibility and so that the possibility of damage from vehicles or injury to pedestrians will be minimized. When placed behind the curb, the barrel of the fire hydrant shall be set so that no portion of the pumper or hose nozzle cap will be less than 24 inches from the curb line.
  - 4) The type and location of all required fire hydrants are subject to the review and approval of the Township and the local fire company.
  - 5) The water pressure for each residential fire hydrant shall be designed to provide a minimum flow rate of 1,000 GPM with a minimum residual pressure at 20 psi. Flow and pressure rates for commercial and industrial

users shall be in compliance with the requirements of the public water supplier.

## 100-31 GRADING, DRAINAGE & EROSION & SEDIMENTATION CONTROLS

### A. Drainage

For all subdivisions and land development proposals, a storm water management plan is required, showing all drainage within the watershed affecting the subject property, all existing and proposed drainage facilities, all grading proposed for the subject property and the erosion and sediment control procedures and facilities to be utilized.

All storm water plans must be approved by the Schuylkill Conservation District and the Township Supervisors.

### B. Grading

A grading plan shall be required for all subdivisions and land development plans, which shall be in conformance with the following criteria or requirements:

Cuts and Fills – No excavation or fill shall be made which creates any slope steeper than three to one (3:1), horizontal to vertical, except under the condition in which the material is sufficiently stable to sustain a slope of steeper than three (3) horizontal to one (1) vertical. A written statement to that effect is required from a civil engineer licensed by the Commonwealth of Pennsylvania and having experience in soils engineering and shall be submitted to the Township Engineer. Retaining walls will be required if a stable slope cannot be maintained. Any retaining wall design must be prepared and sealed by a civil engineer-geologist licensed by the Commonwealth of Pennsylvania and subject to review by the Township Engineer. No excavation or fill shall endanger adjoining properties.

2. Fill placement and compaction. All fill shall be placed mechanically and shall be free of any debris or organic materials, roots and stumps. Fill shall be placed in consecutive, maximum eight-inch layers and compressed or compacted mechanically with equipment weighing not less than ten (10) tons. The Township may require, at the owner's expense, a test certifying the adequate compaction of fill materials as required above or in accordance with the requirements of the Township Engineer.

### C. Erosion & Sedimentation Control

Prior to the commencement of any subdivision or land development, the following criteria shall be met. No changes shall be made in the contour of the land and no grading, excavating, removal or destruction of the topsoil, trees or

other vegetative cover of the land shall be commenced until such time as a plan for minimizing soil erosion and sedimentation has been submitted to and approved by the Schuylkill Conservation District and the Board of Supervisors or there has been a written determination by the Schuylkill Conservation District that such plans are not necessary.

#### 100-32 EASEMENTS

- A. Easements with a minimum width of twenty (20) feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structure or trees shall be placed within such easements.
- B. To the fullest extent possible, easement shall be centered on or adjacent to rear or side lot lines.
- C. There shall be a minimum distance of one-hundred (100) feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission lines which traverses the subdivision.
- D. All proposed utility encroachments which require easements must be approved by the appropriate utility companies.
- E. Where a proposed subdivision or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such watercourse and of such width as will be adequate to preserve the natural drainage channel and provide sufficient width for maintenance. Stormwater management and drainage way easements shall be no less than twenty (20) feet in width, or as directed by the Township, Schuylkill County or the Commonwealth of Pennsylvania. Stream and watercourse easements shall be no less than fifty (50) feet in width or as directed by the Township, Schuylkill County or the Commonwealth of Pennsylvania.
- F. All easements or rights-of-way shall be properly described by bearings and distances.
- G. An easement shall be provided for all on-lot swage disposal replacement absorption areas. The easement shall be a minimum of 20'x40' or larger as required by site conditions or the Township SEO in order to provide suitable size to encompass the absorption area and side slopes.
- H. No easement or right-of-way shall be created, recited and/or described in any deed unless the same has been shown on the approved plan of record.

#### 100-33 DRIVEWAYS

The following requirements are applicable to the provision of driveways for new lots created as part of the subdivision and land development process. For existing lots of

record not involved in the subdivision process, the requirements set forth under the Township's Zoning Ordinance would govern.

- A. No driveway shall be located, designed and constructed so as to create a drainage or sedimentation problem on an adjacent property or street.
- B. All driveways shall be so constructed and maintained that the materials of which the driveways are made will not wash into nor be deposited upon public roads.
- C. Driveways serving single-family residential dwelling units shall not exceed fifteen (15) percent in grade
- D. All driveways shall be paved a minimum distance of twenty (20) feet from the edge of the cartway. The area between the edge of the cartway and the ultimate right-of-way line shall not exceed five (5) percent in grade.
- E. Driveways serving multi-family residential developments units and non-residential developments shall not exceed ten (10) percent in grade and shall be paved.
- F. Driveways serving single-family residential dwelling units shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet. Driveways serving multi-family residential dwelling units and non-residential developments shall have a minimum width of twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic.
- G. Driveway entrances shall intersect streets at right angles unless the existing conditions of the site dictate otherwise. No driveway entrance shall intersect a street at angles of less than 60 degrees, nor more than 120 degrees.
- H. New residential lots shall be designed to have a maximum of two (2) points of access for any public street providing frontage. Driveways providing access solely for agricultural uses on a property as permitted by zoning are excluded from the above restriction. In order to reduce the number of curb cuts along a given road, the Planning Commission may permit adjoining or common driveways. If common driveways are permitted, an appropriate access easement and maintenance agreement will need to be prepared by the applicant and subject to Township approval.
- I. All driveways shall be located to provide optimum sight distance at their intersections with the street. Minimum sight distance shall be as per PaDOT standards.
- J. Driveway Clear Sight Triangles shall be provided for all proposed driveway intersections. The minimum distance of such triangles shall be twenty-five (25) feet measured in each direction from the point of the intersection of the center lines and from a point twenty (20) feet behind the edge of the cartway of the intersecting street. Within such triangles, no vision-obstructing object shall be

permitted with exceeds a height of 30 inches above the elevation of the intersecting streets and below a height of ten (10) feet.

- K. Driveways shall not be located within fifty (50) feet from a street intersection on corner lots.
- L. In order to provide a safe and convenient point of ingress and egress, driveway entrances shall be rounded with a minimum radius of five (5) feet.
- M. All proposed driveways and related improvements shall be located, designed and constructed in order to control stormwater runoff, prevent sedimentation on public roads, maintain the structural stability of public roads, maintain the existing drainage patterns of the area and prevent undue traffic hazards.
- N. The intersection of all proposed driveways with the cartway edge shall be designed and constructed by use of either a drainage swale or pipe, as determined by the site conditions subject to approval by the Township Engineer. If a drainage swale is to be utilized, it shall slope from the cartway at a minimum grade of five (5) percent for a minimum of eight feet from the cartway edge. If a drainage pipe is to be utilized, the size of the pipe shall be determined by drainage computations using a ten-year storm frequency. All drainage pipes shall have a minimum diameter of fifteen (15) inches.
- O. If required by the Township Engineer, the developer shall prepare a driveway profile for a proposed driveway(s) in order to demonstrate how problems associated with slope and drainage are to be addressed.
- P. A Township driveway occupancy permit is to be required when access is proposed onto a Township road or when encroachment is proposed within a Township right-of-way.

#### 100-34 STORMWATER MANAGEMENT

The management of stormwater on a tract, both during and upon completion of the disturbances associated with the proposed subdivision or land development shall be accomplished in accordance with the minimum standards and specifications set forth under the South Manheim Township Stormwater Ordinance, as amended.

#### 100-35 UTILITIES

- A. All utility lines, including but not limited to electric, natural gas, street light supply, cable television and telephone shall be placed underground.
- B. Installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Township or public utility company.

- C. Where such underground utilities lie under a proposed cartway, they shall be put in place, connected and approved before the streets are constructed and before any person is permitted to occupy any building to be served by such utilities.
- D. The applicant shall be responsible for contacting all applicable utilities and accurately determining the locations and depths of all underground utilities within the tract proposed for subdivision or land development, prior to excavation. A complete list of the applicable utility companies and their phone numbers shall appear on the preliminary and final plans.

100-36 LANDSCAPING

- A. When landscape screening is required for a proposed subdivision or land development to comply with Township Zoning Ordinance's buffer yard requirements, a Landscape Plan shall be included as part of the subdivision and land development submission. For all other subdivisions and land developments, excluding minor subdivisions of three (3) lots or less, are encouraged to submit a landscape plan to the Township for review and approval as part of the plan review process.
- B. In general, the applicant is encouraged to preserve to the greatest extent possible such areas as woodlands, meadows, scenic vistas, stream corridors, ponds, wetlands and other natural areas with unique aesthetic qualities that may exist upon a given site.
- C. In those instances wither a subdivision or land development site is wooded, the applicant is encouraged to limit the amount of clearing in order to preserve the natural character of the property.
- D. Any portion of a site which is not utilized for buildings, accessory structures, loading or parking spaces, aisles, sidewalks or designated storage areas shall retained in natural woodland or be planted with an all-season ground cover and shall be landscaped according to an overall plan.
- E. No landscaping other than grass cover shall be permitted within a utility right-of-way or above any underground infrastructure elements such as sewer and water mains, and laterals, gas mains and laterals, electric, telephone and cable television lines and other similar features.
- F. Landscaping of retention/detention basins is encouraged for the purposes of screening the basin from adjoining land uses (perimeter) and improving the aesthetics of the stormwater basin (non-perimeter screening).
- G. Landscaping: Where landscaping other than as may be required for Buffer Screening and Street Trees is provided by the applicant, plant materials selected shall be appropriate to the general area and climatic conditions. All selected plant materials, except for street trees, shall be planted a minimum of ten (10) feet outside of the legal right-of-way of all existing and proposed streets and/or no closer than five (5) feet to an adjoining property line, unless noted elsewhere in

this Chapter. Further, all selected plant materials shall be located so as not to interfere with sidewalks, drainage facilities, utilities and traffic circulation / sight distances.

H. Street Trees (encouraged for all new proposed streets):

- 1) Street trees are encouraged to be provided on both sides of all proposed roads in all subdivisions and land developments. When provided, the number of street trees to be provided shall be determined by the length of linear footage of proposed road, divided by 40, times two.
- 2) Street trees shall be located between the cartway and the street right-of-way. In those cases where sidewalks are to be provided, the street trees would be located outside of the sidewalk but still within the street right-of-way.
- 3) All street trees shall have a minimum of a seven (7) foot single straight stem height to the first lateral branches above grade. Trees shall be symmetrical, free of insects, pests and disease. Trees shall be of nursery stock quality, grown under the same climatic conditions as at the location of the development.

I. Screen Plantings / Buffer Yards (when required by applicable Zoning District):

- 1) A screen planting / buffer yard is hereby defined as a landscaped barrier of sufficient height and density as to obstruct observation. Screen plantings / buffer yards are established by applicable zoning district regulations. If no width is established by the zoning district for a required screen planting / buffer yard, then the minimum width of twenty (20) feet shall be provided, not including the five (5) foot setback from a property line.
- 2) A screen planting / buffer yard may not be required where a lot contains areas of existing natural vegetation that effectively screens the proposed land use. The Township shall make the determination if existing vegetation meets this criteria. Additional supplemental plant material or the required screen planting / buffer yard may be required to augment the existing vegetation, if so determined by the Township. Natural vegetation on neighboring properties shall not be considered as fulfilling the aforementioned landscape screen/buffer yard requirement.
- 3) Screen planting / buffer yards may be broken only at points of vehicular and pedestrian access or utility rights-of-way or easements that would preclude planting of trees or shrubs with the rights-of-way or easements.
- 4) Quantity of plant material required for a landscape screen / buffer shall be a minimum of two rows of alternately staggered plantings with trees located twenty (20) feet on centerline and the rows five (5) feet apart.
- 5) Evergreen plantings are to be used for landscape screen / buffer yards.



- J. Plant Material List – The following is a list of selected plant materials that are acceptable to the Township for use with respect to street trees and buffer screening. An applicant may propose a type of tree not on this list. If so, then the applicant will be required to present information on the suitability of such plant type for the particular use and the local climate and soil conditions. Concurrence by the Township is required on any and all plant material selected.

- 1) Street Trees - Street trees listed below are permitted provided that they are a minimum of two inches in caliper as measured 12 inches from the ground. The following is a list of approved street trees.

*Acer campestre* - Hedge Maple  
*Acer pseudoplatanus* - Planetree Maple  
*Acer rubrum* - Red maple  
*Acer Saccharum* - Sugar Maple  
*Fraxinus pennsylvanica* - Green Ash Red Ash (nonfruiting)  
*Gleditsia triacanthos inermis* - Thornless Honeylocust  
*Koelreutaria paniculata* - Panicked Goldenraintree  
*Prunus sargentii*\* - Sargent Cherry  
*Pyrus calleryana* cv. Chanticleer\* - Chanticleer Pear  
*Pyrus calleryana* cv. Cleveland Select\* - Cleveland Pear  
*Pyrus calleryana* cv. Red Spire\* - Red Spire Pear  
*Quercus palustris* - Pin Oak  
*Quercus robur*\* - English Oak  
*Tilia cordata* - Littleleaf Linden  
*Tilia tomentosa* - Silver Linden  
*Zelkova serrata* cv. Village Green\* - Japanese Zelkova

Notes: \* Indicates that these specific species are particularly well-suited for use as street trees since their root systems are characterized by a single tap- root and minimal spread.

- 2) Buffer Screening - Evergreen trees are permitted provided that they are a minimum of six (6) feet in height for buffer screens. The following is a list of approved evergreen trees:

*Ilex opaca* - American Holly  
*Picea abies* - Norway Spruce  
*Picea omorika* - Serbian Spruce  
*Picea pungens* - Colorado Spruce  
*Pinus nigra* - Austrian Pine  
*Pinus strobus* - Eastern White Pine  
*Pinus thunbergii* - Japanese Black Pine  
*Pseudotsuga menziesii* - Douglas Fir  
*Tsuga caroliniana* - Carolina Hemlock  
*Tsuga canadensis* - Canada Hemlock



## 100-37 LIGHTING

This section is to provide for standards for lighting of major residential and non-residential subdivisions and land developments within South Manheim Township. The purpose of these requirements are to place controls on new major subdivisions and land developments in order to protect drivers and pedestrians from the disabling glare of non-vehicular light source; protect neighbors and the night sky from glare and light trespass from improperly selected or poorly aimed, placed, applied, maintained or shielded light sources; promote energy-efficient light design and operation; and protect and retain the rural character of South Manheim Township.

A. Applicability – These requirements shall be applicable to all major residential and non-residential subdivisions and land developments within South Manheim Township. When an applicant is either required by Zoning or this Chapter to provide outdoor lighting and/or proposes to install such lighting as part of the proposed development, the following shall apply.

### B. Lighting Fixture Design

- 1) Fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Township.
- 2) For the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, areas of vehicular and pedestrian passage, merchandising and storage areas, automotive-fuel dispensing facilities, automotive sales areas, loading docks, cul-de-sacs, active and passive recreation areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall meet IESNA full-cutoff criteria, unless the aggregate wattage per fixture does not exceed the output of a standard 40-watt incandescent lamp, in which case non-cutoff fixtures may be permitted.
- 3) For the lighting of non-horizontal surfaces such as, but not limited to, facades, landscaping, aerial sports, signs, fountains, displays, flags and statuary, the use of lighting not meeting IESNA full-cutoff criteria shall be permitted only with the approval of the Board of Supervisors or its designee, based upon acceptable glare control (approval shall not be required if the aggregate wattage per fixture does not exceed the output of a standard 40-watt incandescent lamp, i.e., 500 lumens).

### C. Control of Disabling Glare

- 1) All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to project or reflect light onto a neighboring use or property.

- 2) Floodlights and spotlights, where specifically approved by the township, shall be so installed and aimed that they do not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward or onto a public roadway.
- 3) Vegetative screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
- 4) The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle, measured line-of-sight at the property line.
- 5) Lighting fixtures meeting IESNA full-cutoff criteria shall not be mounted in excess of twenty (20) feet above finished grade, and fixtures not meeting IESNA full-cutoff criteria shall not be mounted in excess of sixteen (16) feet above grade.
- 6) Canopy lighting, for such applications as gas service stations, bank and fast-food drive-through, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source.
- 7) Uses that require the projection of light out at horizontal or near-horizontal angles, which cause off-site glare, shall not be illuminated.

D. Lighting Plan Submission

- 1) For major subdivision and land development applications where outdoor lighting is required by the Township and/or proposed by the applicant, lighting plans shall be submitted to the Township for review and approval as part of the preliminary and final plan applications.
- 2) The lighting plan shall include the locations of all existing and proposed lights, fixture type, mounting height and wattages. A 10 foot by 10 foot luminance-grid (point by point) plot of maintained footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrate compliance with the light trespass, intensity and uniformity requirements as set forth in this Chapter. The lighting detail sheet should provide a description of the proposed fixtures, fixture catalog cuts, photometrics, glare-reduction devices, lamps, mounting height, pole foundation details and mounting methods.

100-38 OPEN SPACE

- A. In subdivisions which are intended to provide housing, the Township will require a minimum open space requirement as follows:

<u>Families to be Served</u>	<u>Minimum Playground &amp; Neighborhood Park Acreage to be Recommended</u>
3-50	1.5
51-174	3.0
175-374	5.5
375-624	6.5
625-800	8.0
For each additional 175 families	1.5

- B. During the review phase of a subdivision or land development, the Planning Commission, Park and Recreation Board (if one is established), and the Board of Supervisors shall determine if the existing or proposed recreational facilities are sufficient to serve the proposed development.
- C. If land is to be devoted for recreation and open space, the applicant shall make arrangements (suitable to the Township) for the perpetual ownership and maintenance of such land. The Township may, at its discretion, accept or deny the required land area which is offered for dedication.
- D. Land proposed for dedication for open space / recreation use shall have size, dimensions, topography, access and general character suitable for recreational use. The Board of Supervisors, in conjunction with the recommendations from the Planning Commission and Park and Recreation Board (if established) shall have the sole discretion to determine if the recreational area is suitable for its intended purpose. The following are the minimum requirements necessary for a recreation area to be dedicated to the Township:
- The recreation area shall have frontage on a public road;
  - Consideration shall be given to preserving natural features, including rock outcrops, large trees, watercourses, historical structures and other assets that would enhance the value and aesthetic qualities of the development and or Township;
  - The recreation area shall not be located within a stormwater basin;
  - The recreation area shall be contiguous and regular in shape;
  - No more than 25% of the recreation area shall be have slopes in excess of 7%;
  - No more than 25% of the recreation area shall be located within a floodplain, hydric soil or wetland area;

- E. In the case where the required land is not to be provided for recreation and open space by the applicant, the Township upon the preparation and adoption of an Open Space and Recreation Plan as a supplement to the Township's Comprehensive Plan (as required by Section 503.(11) of the Pennsylvania Municipalities Planning Code) can require a fee-in-lieu of land dedication from the applicant. The fee-in-lieu of payment would be set by the Township. The fees would be utilized by the Township to purchase, expand, improve or upgrade recreation facilities and land areas within the Township.

## ARTICLE VIII CONSTRUCTION STANDARDS

### 100-39 GENERAL REQUIREMENTS

Physical improvements to the property being subdivided shall be provided, constructed, and installed as shown on the construction plans submitted with Preliminary Plan, in accordance with the requirement of the regulations.

As a condition to review of a Final Plan by the Township Planning Commission, the subdivider shall agree to the installation of all improvements shown on the Plan and required by these or other Township Regulations. Before the Record Plan is endorsed by the Township Planning Commission and Township Supervisors, the subdivider shall submit a completed original copy of the Subdivision Improvement Agreements.

All improvements installed by the subdivider shall be constructed in accordance with the design specifications specified by the Township.

Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, County Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, or such other Local, State or Federal agency applicable. If there are no applicable Township or State regulations, the Planning Commission may authorize that specifications be prepared by a Township Engineer.

Supervision of the installation of the improvement required shall be the responsibility of the Township or of the appropriate regulatory agency.

### 100-40 REQUIRED IMPROVEMENTS

The following improvements, as shown on the Construction Plans shall be provided by the subdivider in all subdivisions required approval.

#### A. Street Grading

All streets shall be graded at full right-of-way width.

#### B. Street Paving

It is the responsibility of the developer to install the improvements in accordance with the applicable standards. Any improvements installed shall be tested for compliance. Any found to be deficient shall be corrected at the developer's expense.

All streets to be dedicated to public right-of-way use shall be paved in accordance with the following specifications:

1) Construction

All construction performed and plans submitted shall conform to the most current applicable requirements of the Pennsylvania Department of Transportation.

2) Subgrade

All subgrade shall be installed as specified under Section 210 of the PennDOT specifications. Those specifications hereby being summarized below

- a) 6" of compacted stone, slag or shale rolled with a 10 ton roller.
- b) Subgrade shall be even and firm, true to grade.
- c) Properly graded for drainage.

3) Surfacing

Bituminous surface course ID-2A shall consist of two (2) courses. A 2-½ inch binder course and 1 ½ inches after compaction. Work shall conform to Pennsylvania Department of Transportation specs. Section 420 "Bituminous Surface Course ID-2A"

C. Sanitary Sewage Disposal

All sanitary sewage facilities shall be installed in conformance with Act 537 Chapters 71, 72 and 73. All installations are subject to inspection by the DEP and the Sewage Officer.

D. Stormwater Management

All Storm Water Management Plans must conform to the requirements of this Chapter, the South Manheim Township Stormwater Management Ordinance, Schuylkill County Conservation District and PaDEP Regulations.

E. Water Supply

All water supply systems shall be installed in accordance with Schuylkill County Conservation District and PaDEP Regulations.

F. Fire Hydrants

Whenever a public or community water system is provided, fire hydrants shall be installed within six-hundred (600) feet of all existing and proposed structures, measured by way of accessible streets, (as specified by the Insurance Services Office).

#### G. Monuments

Monuments shall be accurately placed by a Registered Surveyor or Engineer at the lot lines along existing or proposed road frontages as required by the Township. Monuments shall be set with the finished grade of surrounding ground.

All streets shall be monumented (preferably on the right-of-way lines) at the following locations:

- 1) At least one monument at each intersection.
- 2) At changes in direction of street line, excluding curb arcs at intersections.
- 3) At each end of each curbed street line, excluding curb arcs at intersections.
- 4) Intermediate monument shall be placed wherever topographical or other conditions make it possible to sight between two otherwise required monuments.

#### H. Landscaping

Landscaping as may be required for subdivisions and land developments (buffer screening) or as to be proposed by the applicant (street trees, stormwater basin screening), shall be in conformance with the requirements of this Chapter.

#### I. Lighting

Lighting when required for subdivisions and land developments (street lighting, and site lighting) shall be in conformance with the requirements of this Chapter.

#### J. Sediment and Erosion Control Measures

Sediment and erosion control measures when required for subdivisions and land developments shall be in conformance with the requirements of this Chapter, the Schuylkill County Conservation District and PaDEP.

## **ARTICLE IX**

### **MOBILE HOME PARKS**

#### 100-41 **PERMITS/APPLICATION**

##### Application Procedures and Issuance of Permit

##### A. Permits Required

Mobile home parks are permitted by Special Exception in the HDR High Density Residential Zoning District. In addition to the requirements set forth in the South Manheim Township Zoning Ordinance, Section 630.08, a mobile home park plan shall conform to the following requirements listed in this Article as well as the general requirements for developments as outlined in this Chapter (plan submission, plan requirements, design standards, etc.).

##### B. Application Procedures

Such application shall be accompanied by a plan at a scale not smaller than one (1) inch equaling fifty (50) feet and containing the following information:

1. Name of mobile home park.
2. Name and address of owner of record and/or applicant.
3. Names of engineer, surveyor and other qualified person preparing plan.
4. North arrow, scale and date of plan preparation.
5. Location map.
6. Site data:
  - a. Number of mobile home lots.
  - b. Total number of acres.
  - c. Number of lots/acres.
  - d. Zoning district.
  - e. Number of off-street parking spaces.
7. Topography showing existing and proposed contours at intervals of two (2) or five (5) feet, depending upon the slope of the land.
8. The location of any existing bodies of water or watercourses, floodplain areas, tree masses, buildings or structures, public facilities and any other man-made or natural features within or near the proposed mobile home park area.
9. A stormwater management plan.



10. Existing and proposed property, lot and boundary lines, including building setback lines, and information concerning lot dimensions, lot areas, and the location of all utilities and easements.
  11. Location and dimension of all mobile home stands.
  12. The location of all existing and proposed streets with information concerning pavement widths, types of paving and street names.
  13. Typical cross-sections of all streets.
  14. Street centerline profiles.
  15. Location of all off-street parking areas.
  16. Location and dimension of all pedestrian ways and sidewalks.
  17. Location of proposed recreation areas.
  18. Location of all plantings and landscaping.
  19. Location, dimensions and proposed use of all service and accessory structures.
  20. Location of all service utility shut-offs, by individual site or area.
  21. Location of bench mark and datum used.
  22. Location of existing and proposed monuments and markers.
  23. Engineer's or surveyor's seal with certification that survey and plan are correct.
- C. Review & processing of plans shall be in accordance with Articles III & IV of this Chapter.

Note: The Permit Officer may inspect a mobile home park periodically to determine compliance with this Ordinance. As a result of such inspection, the Permit Officer may give notice for any violations of this Ordinance.

#### 100-42 DESIGN AND CONSTRUCTION REQUIREMENTS

A. Minimum Park Area

A mobile home park shall consist of at least 2 lots.

B. Site Location shall be limited to those areas specified by the HDR District shown on the official Zoning Map.

C. Stormwater Management

1. The ground surface in all developed parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts, and related facilities shall be provided to permit the unimpeded flow of natural water courses and insure the adequate drainage of all locations within the park.
2. A stormwater management plan in accordance with the provisions of this Ordinance shall be prepared and submitted prior to the granting of a plan approval for any mobile home park.
3. All stormwater facilities shall be kept completely separate from any sanitary waste facilities.

D. Soil and Ground Cover Requirements

1. Ground surface in all parts of every park shall be paved, covered with stone or other acceptable material, or planted with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
2. Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests.

E. Park Areas for Non-residential Uses

1. No part of any park shall be used for non-residential purposes, except such uses that are required for direct servicing, management or maintenance of the park and its residents.
2. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

F. Setbacks, Buffer Strips and Screening

1. Mobile homes shall be located at least sixty (60) feet from the centerline of any abutting existing or proposed public local street, seventy (70) feet from the centerline of any abutting existing or proposed public collector street.
2. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home and adjoining pavement of a park street, or common parking area or other common areas and structures.
3. Mobile home parks shall provide and maintain a screen planting (trees, shrubs) along the property boundary line separating the park and the adjacent uses.

4. Mobile homes shall be located at least twenty-five feet (25') from any park property line and at least ten feet (10') from any side or rear mobile home lot or site line.

G. Placement of Mobile Homes

1. Mobile homes shall be separated from each other and from the other buildings, structures, and outdoor living areas of adjacent mobile homes by at least twenty (20) feet on all sides.
2. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
3. All mobile homes shall be properly placed upon a mobile home site set on concrete piers and securely fastened by ground anchors.

H. Park Street System

(Note: See Article VIII of this Subdivision and Land Development Ordinance for street construction standards).

1. A safe and convenient vehicular access shall be provided from abutting public streets or roads.
2. The entrance road connecting the park with a public street or road shall have a minimum pavement width of twenty-four (24) feet with no parking permitted.
3. Other internal streets shall be as follows:
  - a. Where parking is permitted on both sides, a minimum width of thirty-four (34) feet will be required.
  - b. A minimum pavement width of twenty-eight (28) feet will be required where parking is limited to one (1) side.
  - c. A minimum pavement width of twenty-two (22) feet will be required if no on-street parking is allowed.
  - d. Dead end streets shall be provided at the closed end with a paved turn-around having an outside diameter of at least sixty (60) feet.
4. Grades of all streets shall be at least 0.5% and not more than 8.0%.
5. Intersections of more than two (2) streets are prohibited.

6. If intersecting streets are not in alignment, a distance of at least one hundred fifty (150) feet shall be provided between the centerline of intersecting streets.

All streets within a mobile home park shall be privately owned and maintained.

#### I. Off-Street Parking Areas

A paved off-street parking space for two (2) motor vehicles shall be provided at each mobile home site of lot.

#### J. Walks

1. All mobile home parks shall be provided with an interior walkway system and or pedestrian walks on both sides of the street. Such walks shall be at least three and one-half (3½) feet in width and four (4) inches depth. This can be modified by the Board of Supervisors depending on the number of mobile homes in the park.
2. All mobile home sites (lots) shall be connected to pedestrian walks with an individual walk at least two (2) feet in width.
3. All pedestrian walks shall be constructed of a hard, durable, all-weather material that can be easily maintained, in accordance with Township specifications.

#### K. Recreation Areas

Not less than ten (10) percent of the gross area of the mobile home park shall be set aside for usable recreation areas for use by all park residents.

#### L. Outdoor Living Area

An outdoor living and service space shall be provided for each mobile home as follows:

1. Such space shall be located for privacy, convenience, and optimum use.
2. The minimum size of such space shall be not less than three hundred (300) square feet with at least a dimension of fifteen (15) feet.
3. Visual barriers such as walls, fences, or planting shall be of a size and character to assure reasonable privacy and visual appeal.

### 100-43 WATER SUPPLY

#### A. General

Adequate water supply meeting current PaDEP standards shall be provided for all mobile homes in the park.

B. Individual Connections

1. Individual water riser pipes having an inside diameter of no less than one-half ( $\frac{1}{2}$ ) inch shall be provided to each mobile home stand and shall terminate no less than four (4) inches above the ground level.
2. Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather.
3. A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home site.

100-44 SEWAGE DISPOSAL

A. General

All mobile home parks shall be connected to the public sewage system, or the park shall provide sewage facilities adequate to meet PaDEP standards.

B. Individual Connections

1. Individual sewer riser pipes having at least a four (4) inch diameter shall be located on each mobile home site and shall extend at least one (1) inch above the ground level.
2. Provisions shall be made for capping the sewer riser pipe when the mobile home site is unoccupied.

100-45 ELECTRIC AND FUEL UTILITY SERVICE

- A. All electric, natural gas, liquefied petroleum, gas or fuel oil systems shall be constructed in accordance with the local or state building code and any industry standards.
- B. All power lines shall be placed underground in accordance with the regulations for underground wiring.

100-46 FIRE PROTECTION

A. Local Regulations

The mobile home park area shall be subject to any local fire protection rules and regulations.

B. Litter Control

Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

C. Fire Extinguishers

Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control.

D. Fire Hydrants

1. Fire hydrants shall be installed if their water supply source is capable of serving them in accordance with the following requirements:
  - a. The water supply source shall permit the operation of a minimum of two (2) one and one-half (1½) inch hose streams.
  - b. Each of two nozzles, held four (4) feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.
2. Fire hydrants, if provided, shall be located within six hundred (600) feet of any mobile home, service building or other structure in the park, and shall be installed in accordance with all applicable municipal specifications.
3. The park management shall give the Township Zoning Officer or other authorized municipal representative free access to all mobile home sites, service buildings, utility and other community service facilities for inspection purposes.

## APPENDIX

SOUTH MANHEIM TOWNSHIP  
SCHUYLKILL COUNTY, PENNSYLVANIA

**SUBDIVISION / LAND DEVELOPMENT APPLICATION**

Name of Development: \_\_\_\_\_

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

Date of Application: \_\_\_\_\_, 20

Plan Submission:      ☐ Sketch Plan                      ☐ New Submission  
                                 ☐ Preliminary Plan                      ☐ Re-submission  
                                 ☐ Final Plan  
                                 ☐ Minor Subdivision Plan  
                                 ☐ Annexation Plan  
                                 ☐ Revision to Plan of Record

Land Owner's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_, Fax: \_\_\_\_\_

Interest: ☐ Owner, ☐ Equitable Owner

Applicant / Developer's Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_, Fax: \_\_\_\_\_

Interest: ☐ Equitable Owner, ☐ Agent

Engineer / Surveyor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_, Fax: \_\_\_\_\_

Total Acreage: \_\_\_\_\_ Acreage Being Developed: \_\_\_\_\_

Total Number of Lots/Dwelling Units: \_\_\_\_\_

Type of Land Use Proposed: ☐ Single Family Detached                      ☐ Mobile Home  
   ☐ Single Family Semi-Detached                      ☐ Commercial  
   ☐ Two Family Detached                      ☐ Industrial  
   ☐ Townhouses                      ☐ Institutional  
   ☐ Multi-Family (Apartments)                      ☐ Other

Water Supply:      ☐ On-lot    ☐ Public    ☐ Community

Sewage Disposal:    ☐ On-lot    ☐ Public    ☐ Community

Zoning District(s): \_\_\_\_\_

Zoning Conflicts / Changes: \_\_\_\_\_

Linear Feet of New Streets Proposed: \_\_\_\_\_

Proposed Ownership of New Streets: ☐ Public    ☐ Private



SOUTH MANHEIM TOWNSHIP  
SCHUYLKILL COUNTY, PENNSYLVANIA

**SUBDIVISION / LAND DEVELOPMENT APPLICATION**

(page 2)

Type of Off-Street Parking Proposed:

☐ Driveways   ☐ Garages   ☐ Parking Lots   ☐ Other

I hereby acknowledge and request review of this application. To the best of my knowledge, all the information identified above is true, correct and complete. In addition, I hereby authorize the Board of Supervisors, Planning Commission Members, Township Secretary, Zoning Officer, Code Enforcement Officer, Township Sewage Enforcement Officer, Township Engineer / Planner, and Township Solicitor to enter the exterior premises of this property while the proposed plan is being considered for municipal approval.

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

Land Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* \* \* \*

**FOR MUNICIPAL USE ONLY**

Name of Application: \_\_\_\_\_

Application Date: \_\_\_\_\_ Township File No.: \_\_\_\_\_

Application Fee Collected: \$ \_\_\_\_\_

Planning Commission Action:

- Minor Subdivision / Annexation Plan / Revision to Plan of Record  
☐ Approved   ☐ Denied   Date: \_\_\_\_\_
- Preliminary Plan   ☐ Approved   ☐ Denied   Date: \_\_\_\_\_
- Final Plan   ☐ Approved   ☐ Denied   Date: \_\_\_\_\_

Board of Supervisors Action:

- Minor Subdivision / Annexation Plan / Revision to Plan of Record  
☐ Approved   ☐ Denied   Date: \_\_\_\_\_
- Preliminary Plan   ☐ Approved   ☐ Denied   Date: \_\_\_\_\_
- Final Plan   ☐ Approved   ☐ Denied   Date: \_\_\_\_\_

Comments: \_\_\_\_\_

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

SOUTH MANHEIM TOWNSHIP  
SCHUYLKILL COUNTY, PENNSYLVANIA

**APPLICANT GRANT OF EXTENSION OF REVIEW TIME**

I/We hereby agree and grant that the Board of Supervisors of the Township of South Manheim shall have an extension of time in the amount of \_\_\_\_\_ days, from \_\_\_\_\_, 20\_\_\_\_, through and including \_\_\_\_\_, 20\_\_\_\_, in which to consider the subdivision and / or land development plan entitled or known as

prepared by \_\_\_\_\_, with the initial date of \_\_\_\_\_ 20\_\_\_\_, and the last revision date of \_\_\_\_\_, 20\_\_\_\_, and I further agree and grant that at the conclusion of the extension set forth above, the Township shall have an additional 15 days thereafter to communicate a written decision on the plan.

- ☐ I am signing this Grant of Extension in my capacity as the developer or individual applicant for the above captioned plan.
  
- ☐ I am signing this Grant of Extension in my capacity as agent for the applicant \_\_\_\_\_, I expressly state that I have been authorized to agree to and grant an extension of time on behalf of the above-named applicant.

By signing this document, I hereby verify that I have reviewed and understood the statements made herein and that all such statements are true and correct to the best of my knowledge, information and belief.

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

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name of Applicant

**SOUTH MANHEIM TOWNSHIP  
MAJOR SUBDIVISION / LAND DEVELOPMENT PLAN  
COMPLETENESS CHECKLIST**

Name of Subdivision / Land Development: \_\_\_\_\_

The following checklist summarizes the information which must be submitted as part of a Major subdivision / Land Development Plan in order to be reviewed by the Township. Incomplete submissions shall be returned to the applicant with a list of deficiencies.

**Summary List of Items Required**

**Submitted**

- |  |                          |
|--|--------------------------|
| 1. Completed Application   | <input type="checkbox"/> |
| 2. Filing Fee  | <input type="checkbox"/> |
| 3. Three (3) copies of Sewage Disposal Report  | <input type="checkbox"/> |
| 4. Water supply approval   | <input type="checkbox"/> |
| 5. Ten (10) copies of Preliminary / Final Plan containing the following information: |                          |
| • Name of Subdivision / Land Development   | <input type="checkbox"/> |
| • Name of Owner  | <input type="checkbox"/> |
| • Name of Applicant / Developer  | <input type="checkbox"/> |
| • Name and Seal of Engineer / Surveyor   | <input type="checkbox"/> |
| • Date, north arrow and scale  | <input type="checkbox"/> |
| • Site Plan  | <input type="checkbox"/> |
| • Contour information  | <input type="checkbox"/> |
| • Name and width of streets and right-of-ways, watercourses, etc.                    | <input type="checkbox"/> |
| • Underground utilities  | <input type="checkbox"/> |
| • Existing buildings, trees. Wetlands, floodplains, etc.                             | <input type="checkbox"/> |
| • Lot layout   | <input type="checkbox"/> |
| • Proposed Streets with right-of-ways  | <input type="checkbox"/> |
| • Arrangement of buildings, parking areas, etc.                                      | <input type="checkbox"/> |
| • Building setbacks  | <input type="checkbox"/> |
| • Monuments  | <input type="checkbox"/> |
| • Lot sizes, total units proposed, parking spaces provided                           | <input type="checkbox"/> |
| • Location and sizes of proposed storm sewers (construction profiles)                | <input type="checkbox"/> |
| • Proposed street profiles   | <input type="checkbox"/> |
| • Open space areas   | <input type="checkbox"/> |
| • Final Improvement Plan (streets, curbs and sidewalks, etc.)                        | <input type="checkbox"/> |
| • Supporting Studies:  |                          |
| o Stormwater Management Plan   | <input type="checkbox"/> |
| o Erosion and Sedimentation Control Plan   | <input type="checkbox"/> |
| • Construction Cost Estimate (at final plan)   | <input type="checkbox"/> |
| • Improvements Agreement (at final plan)   | <input type="checkbox"/> |

**SOUTH MANHEIM TOWNSHIP  
MAJOR SUBDIVISION / LAND DEVELOPMENT PLAN  
COMPLETENESS CHECKLIST  
(page 2)**

**Summary List of Items Required**

**Submitted**

- Stormwater Ownership, Operation and Maintenance Agreement  
(at final plan) ☐
- PaDOT HOP for new intersection or driveway w state road (at final) ☐

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

Signature \_\_\_\_\_  
Township Secretary or Zoning Officer

Note: Any variances to the requirements of Chapter 100 must be approved by the Board of Supervisors.

Indicate any additional submission requirements below:

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