

# Herrick Township

Susquehanna County, Pennsylvania



**Subdivision and Land  
Development Ordinance**

**2024**

# Herrick Township Subdivision and Land Development Ordinance

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**ARTICLE I - GENERAL PROVISIONS**  
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AN ORDINANCE GOVERNING SUBDIVISIONS AND LAND DEVELOPMENTS WITHIN THE LIMITS OF *HERRICK TOWNSHIP* AND PROVIDING APPLICATION PROCEDURES, DESIGN STANDARDS AND MAINTENANCE REQUIREMENTS FOR IMPROVEMENTS AND PRESCRIBING PENALTIES FOR VIOLATIONS. THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS THE ***HERRICK TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE***.

**§ 150-01 Repealer and Conflict**

This Subdivision and Land Development Ordinance, as adopted herein and as may be duly amended by the Board of Supervisors of Herrick Township shall repeal and replace in total the Susquehanna County Subdivision and Land Development Ordinance as applied to Herrick Township; provided that this Ordinance is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of Herrick Township pertaining to land use. If any other ordinance, code or regulation of the Township is in conflict or inconsistent with the requirements of this Ordinance, the most restrictive standards and provisions shall apply.

**§ 150-02 Jurisdiction**

- A. Application - This Ordinance shall apply to all subdivisions and land developments in the Township proposed after the effective date of this Ordinance.
- (1) No subdivision or land development of any lot, tract or parcel of land shall be made, and 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 thereon, except in accordance with the provisions of this Ordinance.
  - (2) No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or a land development may be issued, and no building may be erected in a subdivision or a land development unless and until a plan of such subdivision or land development has been approved and properly recorded, and until the improvements required herein have been constructed or guaranteed in accordance with this ordinance.
  - (3) No person, firm or corporation proposing to make, or have made, a subdivision or land development within the Township shall proceed with any grading before obtaining from the Herrick Township Supervisors the approval of the preliminary plan of the proposed development, and no deeds shall be recorded for lots in any development, before obtaining from the Herrick Township Supervisors the approval of the final plan of the proposed subdivision or land development, except as otherwise provided herein.
  - (4) The proposed subdivision or land development plat shall be in general accordance with the Herrick Township Comprehensive Development Plan.
- B. Approval Power - The Herrick Township Board of Supervisors shall have the authority to review, approve, or disapprove all subdivision and land development plans within the Township. All subdivisions and land development plans shall be submitted first to the Herrick Township Planning Commission for review and comment, then to the Township Supervisors for review, approval, or disapproval.
- C. Delegation of Approval Power - The Herrick Township Supervisors may delegate the authority to approve or disapprove minor subdivision plans to the Herrick Township Planning Commission or an administrator properly qualified and assigned these duties.
- D. Powers - The Board of Supervisors shall have all powers necessary to administer the provisions of this Ordinance without limitation by reason of enumeration, including the following:
- (1) To prohibit the development of any land found to be unsuitable as defined by this Ordinance.
  - (2) To require that improvements to the land be made as defined by this Ordinance.
  - (3) To require the dedication of land as defined as a condition of subdivision or land development plan approval.
  - (4) To require adherence to this Ordinance and its standards.
  - (5) To require complete and accurate preliminary and final subdivision and land development submissions and additional information necessary to make reasonable evaluations of such plans.
  - (6) To make conditional approvals where requirements specified in writing by the Commission will satisfactorily protect the public interest and health, and will not violate State laws and will accomplish the purpose of this Ordinance.
  - (7) To take no action on lands that are involved in litigation at the time of application for subdivision or land development, or any time during the review of the plan, including any action brought against the Commission or its representatives relative to the subject plan.

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- E. Recording of Plans - In accord with §513 of the Pennsylvania Municipalities Planning Code, the Recorder of Deeds shall not accept any subdivision or land development map or plan for recording unless such map or plan officially notes the approval of the Herrick Township Supervisors.

**§ 150-03 Purpose**

This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Herrick Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to insure the proper provision of community facilities. Regulations for specific types of development for which additional standards have been deemed necessary are intended to protect the rights of the residents of Township to enjoy clean air, pure water, and the natural, scenic, historic, and aesthetic value of the environment, and in particular to preserve and conserve the rural and natural features of the Township.

**§ 150-04 Interpretation**

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Township except that where this Ordinance imposes a more stringent or greater requirement on the development of land or structure, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this Ordinance shall control.

**§ 150-05 Effect of Ordinance Changes**

Changes in this Ordinance shall affect plats as follows:

- A. Pending Action - From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the Herrick Township Subdivision and Land Development Ordinance or other governing ordinance or plan shall affect the decision on such application adversely to the Applicant and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. Project Completion and Effect of Litigation - When an application for approval of a plat, whether preliminary or final, has been approved under the terms of this Ordinance without conditions or approved by the Applicant's acceptance of conditions, no subsequent change or amendment in the Herrick Township Subdivision and Land Development Ordinance or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition that was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.
- C. Five-Year Initiation - Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- D. Substantially Completed Improvements - Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Herrick Township Planning Commission, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to density, lot, building, street or utility location.
- E. More Than Five Years - In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the Applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Herrick Township Supervisors.

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- F. Sections - Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan unless the Herrick Township Supervisors approve a lesser percentage in their discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.
- G. Landowner Failure - Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in subdivision and other governing ordinance enacted by Herrick Township subsequent to the date of the initial preliminary plan submission.

**§ 150-06 Severability**

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of Herrick Township that such remainder shall be and shall remain in full force and effect.

**§ 150-07 Effective Date**

This Ordinance shall take effect immediately upon its adoption.

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**§ 150-08 Tense, Gender and Number**

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

**§ 150-09 General Terms**

- A. The words *applicant, developer, person, subdivider* and *owner* include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- B. The word *street* includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial, and road.
- C. The word *building* includes structures and shall be construed as if followed by the phrase *or part thereof*.
- D. The term *occupied* or *used* as applied to any building shall be construed as though followed by the words *or intended, arranged, or designed to be occupied or used*.
- E. The word *lot* includes plot, parcel, tract, site, or any other similar term.
- F. The word *abut* shall include the words *directly across from*.
- G. The words *should* and *may* are permissive.
- H. The words *must, shall, and will* are mandatory and directive.

**§ 150-10 Terms Or Words Not Defined**

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

**§ 150-11 Specific Terms**

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

**ACCESSORY USE OR STRUCTURE** - A use of land or of a structure or portion thereof incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. A portion of a principal building used for an accessory use shall not be considered an accessory structure.

**ADD-ON SUBDIVISION / ADDITION SUBDIVISION** - (Also known as a *lot improvement subdivision* or *lot-line adjustment subdivision*.) The transfer of land to an existing contiguous parcel in order to increase the size of the contiguous parcel provided the grantor's remaining parcel complies with all provisions of this Ordinance. The subdivided lot shall not be considered a separate new lot.

**AGRICULTURAL USE** - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production.

**AGRICULTURAL BUILDING** - A building that houses an agricultural use, such as barns, pole barns and equipment sheds. This shall not include buildings used for the processing or transformation of agricultural products such as slaughter houses, canning plants, dairy bottling, and sawmills.

**ALLEY** - A minor right-of-way, privately or publicly owned, primarily for service access to the rear or sides of properties.

**ALTERATIONS** - As applied to a building or structure, means any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

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

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

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approval of a development plan.

AVERAGE WIDTH - The gross square footage of a lot divided by the longest side line distance; used as a calculation in determining the design of a lot. The lot minimum average width measurements for Flag Lots shall be made using the main portion of the lot and shall not include the access corridor.

BLOCK A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, boundary lines of the Municipality, unsubdivided land or any combination of the above.

BUFFER - A strip of land that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. It is used to provide separation between incompatible uses to affect a visual barrier, reduce noise, block physical passage between uses, and reduce dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof. In general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance; but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.

BUILDING Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

BUILDING COVERAGE - The percentage of the area of the lot covered or occupied by the total horizontal projected surface area of all buildings on the lot and including accessory buildings and structures (including covered porches, carports and breeze ways, but excluding open and uncovered patios and decks).

BUILDING HEIGHT - The vertical distance of a building measured from the average ground level to the highest part of the structure, excluding chimneys.

BUILDING, PRINCIPAL - A building or buildings in which is conducted the main or principal use of the lot on which said building is situated.

CALIPER - The diameter of a tree's trunk measured twelve (12) inches above the ground.

CAMPGROUND OR RECREATIONAL VEHICLE PARK - A tract of land, or any portion thereof, primarily used to provide sites for the temporary use of tents or recreational vehicles, as hereinafter defined, for camping purposes, with a charge for the leasing, renting or occupancy of such space. All campgrounds and recreational vehicle parks shall be considered a recreational subdivision or land development. Note: An area of a parking lot designated for recreational vehicles (for instance, a truck stop) is not considered a campground.

CAMPSITE - A lot within a recreational vehicle park or campground to be used for camping purposes, and acting as a site for travel trailers, truck campers, camper trailers, motor homes, or tents, marked by the developer on a plan as a numbered, lettered, or otherwise identified tract of land.

CARTWAY (ROADWAY) The portion of a street right-of-way paved or unpaved intended for vehicular use, including the travelway and shoulders.

CLEAR SIGHT TRIANGLE An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

COMMERCIAL BUILDING - A building that houses a commercial use.

COMMERCIAL USE - Any use of land involving an occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee.

COMMISSION OR PLANNING COMMISSION The Herrick Township Planning Commission.

COMMON AREA - All of the real property and improvements dedicated for the common use and enjoyment of the residents of a particular development; including, but not limited to, open land, development improvements, common facilities, and recreation area.

COMMON FACILITIES - Improvements in a development that are not required by the Township but have been constructed as part of a development for the common use and enjoyment of the residents of that development; including, but not limited to, community centers, recreation buildings and structures, and administrative and maintenance buildings.

COMMON OPEN SPACE A parcel or parcels of land or an area of water, or a combination of land and water within a development site designed and intended for the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public or community facilities.

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COMMUNICATIONS ANTENNA - Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omni directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

COMMUNICATIONS EQUIPMENT BUILDING - An unmanned building or cabinet containing communications equipment required for the operation of communications antennas.

COMMUNICATIONS TOWER - A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

COMMUNICATION TOWER, HEIGHT OF - The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMPREHENSIVE DEVELOPMENT PLAN / COMPREHENSIVE PLAN The complete plan or any part of the plan for the development of Herrick Township adopted in accordance with the MPC.

CONSERVATION AREA, PRIMARY - Those areas of a development tract that are comprised of environmentally sensitive lands on which development is not permitted.

CONSERVATION AREA, SECONDARY - Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

CONSERVATION EASEMENT - A right or interest in land granted primarily for the preservation of the land in its undeveloped state but which may allow limited development (e.g., a residential structure) and other compatible uses such as agriculture and forestry.

CONSERVATION OPEN SPACE - That part of a particular conservation design subdivision development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance. Conservation open space may be accessible to the residents of the development or it may contain areas of farmland or forestland that are not accessible to project residents or the public.

COUNTY The County of Susquehanna, Commonwealth of Pennsylvania.

CROSSWALK OR INTERIOR WALK - A right-of-way or easement for pedestrian travel across or within a block.

CULDESAC A minor street having one end open to traffic and being permanently terminated at the end other by a vehicular turnaround.

DEAD END STREET - A street or portion of a street with only one vehicular outlet but which has a temporary turnaround and which is designed to be continued when adjacent open land is subdivided.

DEDICATION The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

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 IMPROVEMENTS - See *improvements*.

DOUBLE FRONTAGE LOT - A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

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

DISTURBED AREA - Any area of land that has been altered so that the surface of the soil has physically been graded, excavated or otherwise exposed.

DRIVEWAY A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road.



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**DWELLING** - A structure or portion thereof that is used exclusively for human habitation.

**DWELLING, LOT LINE HOUSE** - A single-family, detached dwelling on an individual lot, with the building set on, or close to, one side property line, so that the lot essentially has only one side yard. This side yard and the rear yard constitute the primary outdoor living areas for the dwelling. Typically, no windows are placed in the building wall that is on the lot line. If the building is set on the lot line, a five (5) foot easement is provided on the adjacent property along the lot line for necessary access and maintenance of the building wall.

**DWELLING, MULTIFAMILY** - (See also *multi-family project*.) A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term *multifamily dwelling* shall include condominium as well as noncondominium housing units including the following construction types:

- A. **RESIDENTIAL CONVERSION TO APARTMENTS** - Conversion of an existing single family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and onehalf (2 ½) stories in height.
- B. **GARDEN APARTMENT** - Multifamily dwelling originally designed as such; containing three (3) or more dwelling units and not exceeding two and onehalf (2 ½) stories in height, not including townhouses.
- C. **TOWNHOUSE** - Multifamily dwelling of three (3) or more dwelling units of no more than two and onehalf (2 ½) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. **MEDIUM HIGH-RISE APARTMENT** - Multifamily dwellings of more than two and onehalf (2 ½) stories but not exceeding the height limitations (in feet) of this Ordinance.

**DWELLING, SINGLE-FAMILY** - A detached dwelling unit accommodating one family, but excluding mobile homes as defined in this Ordinance.

**DWELLING, TWO-FAMILY** - A dwelling accommodating two families either with units that are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units. (See also *multi-family project* for two-family dwellings in a multi-family project.)

**DWELLING UNIT** - One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

**EASEMENT** A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

**ENGINEER** A professional engineer licensed as such in the Commonwealth of Pennsylvania.

**ENGINEER, TOWNSHIP** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township and/or Planning Commission.

**FLOODPLAIN** - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

**HYDRAULIC FRACTURING WATER TREATMENT FACILITY** - A facility used in the natural gas industry for treating the water and solutions used in the process of hydraulic fracturing in accordance with local, state and federal laws.

**IMPERVIOUS SURFACE** - Area covered by roofs, concrete, asphalt or other man-made cover which has a coefficient of runoff of 0.7 or higher. The Township Engineer shall decide any dispute over whether an area is *impervious*.

**IMPROVEMENT** - For the purpose of classification as a land development or major subdivision, as defined in this Article II, a physical addition or change to the land that may be necessary to make the land suitable for the proposed use or extension of use, including but not limited to, buildings, structures, additions to buildings and structures, roads, driveways, parking areas, sidewalks, stormwater controls and drainage facilities, landscaped areas, utilities, water supplies and sewage disposal systems, and any work involved with highway reconstruction.

**INDUSTRIAL BUILDING** - A building that houses an industrial use.

**INDUSTRIAL USE** - Any commercial use engaged in the basic mechanical, chemical or other transformation of extracted or raw materials or substances into new products or materials, including, but not limited to, the assembly of component parts, the manufacturing or transformation of products for use by other manufacturers the blending of materials such as lubricating oils, plastics, resins or liquors, or other basic production processes; or any commercial use producing products predominately from previously prepared materials, finished

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products and parts, including, but not limited to, research, engineering or testing laboratories, assembly from components, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, furniture or other wood products production and the like.

INSTITUTIONAL BUILDING - A building that houses an institutional use.

INSTITUTIONAL USE - Any use of land owned and operated by a government body or agency including, for example, public schools, parks, civic centers, municipal buildings, solid waste disposal facilities, nursing homes, and hospitals; or uses operated by nonprofit, community-based organizations for the general use of the public, including for example churches, fire houses, ambulance buildings, libraries, nursing homes, hospitals, sanitariums and clinics.

LAND DEVELOPMENT - (1) A subdivision of land; (2) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. 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,
- B. 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.
- C. The expansion or addition to a nonresidential building or the change or expansion of any nonresidential use that involves any of the following as measured cumulatively from the effective date of this provision:
  - (1) The addition of twenty-five (25) percent or more of floor area to the building; or
  - (2) The increase by five thousand (5,000) square feet or more, or twenty-five (25) percent or more, (whichever is less) of impervious area (including building area) on the parcel; or,
  - (3) Any increase in impervious area which will result in the generation of storm water in such volume as will not be controlled by existing storm water facilities pursuant to the requirements of this Ordinance.

The Township Board of Supervisors shall be authorized to modify these standards in the case of changes and expansions that would have a minimal impact on the land or demands on the Township.

The definition of land development shall not include the following:

- A. The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
- B. The addition of an accessory building, including farm (agricultural) buildings, on a lot or lots subordinate to an existing principal building.

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), or a lessee, if he is authorized under the lease to exercise the rights of the landowner or other persons having a proprietary interest in the land.

LOT - A designated parcel, tract or area of land, regardless of size, established by a plat or other legal means, and intended for transfer of ownership, use, lease or improvements or for development, regardless of how or if it is conveyed.

LOT, CORNER - A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

LOT, DOUBLE FRONTAGE - A lot extending between and having frontage on a major traffic street and a minor street, and with vehicular access solely from the latter.

LOT, EXISTING OF RECORD - Any lot or parcel of property that is legally in existence and properly on file with the Recorder of Deeds whether or not it is owned separately.

LOT, FLAG OR PANHANDLE - A lot with access to the bulk of the lot provided by a narrow corridor from the adjoining public road.

LOT SIZE - The horizontal land area contained within the lot lines of a lot, measured in acres or square feet.

LOT SIZE, MINIMUM - The size of a lot that is required to allow for improvement of the lot while meeting all applicable regulations, but in no case less than the size required by Table IV-I. In the case of a flag lot, the lot area shall not include the access corridor.

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**LOT COVERAGE** - That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces.

**LOT DEPTH** - The average horizontal distance between the front lot line and the rear lot line. In the case of a flag lot, the depth measurement shall not include the access corridor but shall be made on the main portion of the lot.

**LOT IMPROVEMENT SUBDIVISION** – (see *Addition Subdivision / Add-on Subdivision*)

**LOT LINE, FRONT** - The line separating the lot from any street. In the case of a flag lot, the lot line where the narrow access corridor widens shall be considered the front lot line.

**LOT LINE, REAR** - The lot line most distant from and most parallel to the front lot line.

**LOT LINE, SIDE** - Any lot line other than a front or rear lot line.

**MANUFACTURED HOME** - See *mobile home*.

**MASS** - A grouping of three (3) or more trees, each at least one and one-half (1.5) inch in caliper, within an area of one hundred (100) square feet.

**MATURE TREE** - Any tree of six (6) inches or more in caliper, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as determined by the Commission with the assistance of a professional forester.

**MEDIATION** - A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MINIMIZE** - To reduce to the smallest amount possible. *Minimize* does not mean to *eliminate* but rather that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action (such as grading, clearing, construction, etc.).

**MINOR LAND DEVELOPMENT** – A residential land development where the total number of dwelling units on the project parcel does not exceed two (2); or a non-residential land development where the gross floor area of all principal structures proposed or existing on the project parcel does not exceed one thousand five hundred (1,500) square feet and the total number of existing or proposed non-residential principal structures on the project parcel does not exceed two (2)

**MOBILE HOME** A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, and which is subject to U.S. Department of Housing and Urban Development regulations.

**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 as defined by this Ordinance.

**MOBILE HOME PARK** A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes as defined by this Ordinance.

**MPC** - The Pennsylvania Municipalities Planning Code, Act of 1968, P.L.805, No.247 as reenacted and amended

**MULTIFAMILY PROJECT** - Any development of a single parcel of property that includes one (1) or more buildings containing three (3) or more dwelling units. Any residential development which proposes the construction of two (2) or more two-family dwellings on one (1) parcel of property shall also be considered a multi-family project. Two-family dwellings in a multi-family project shall be considered townhouses.

**NATURAL GAS COMPRESSOR STATION** - A facility at which natural gas passing through a pipeline is pressurized.

**NONRESIDENTIAL BUILDING** - A building that houses a nonresidential use.

**NONRESIDENTIAL USE** - Any commercial, industrial or institutional use of land, or any other use of land that is not for residential purposes, but excluding agricultural uses.

**OPEN LAND OR OPEN SPACE** - That part of a particular development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Ordinance. Open land may be accessible to the residents of the development and/or the Commission, or it may contain areas of farmland, forestland or conservancy lots which are not accessible to project residents or the public.

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PA DEP / DEP - The Pennsylvania Department of Environmental Protection.

PA DOT - The Pennsylvania Department of Transportation.

PERFORMANCE GUARANTEE A written instrument which may be accepted by the Township in lieu of the requirement that certain improvements be made by a developer before the plan is granted final approval and released for recording, which shall provide for the deposit with the Commission of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PLAN OR PLAT A map or drawing indicating the subdivision or resubdivision of land or a land development which in its various stages of preparation including the following:

- A. SKETCH PLAN An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposal to be used as a basis for consideration by the Commission.
- B. PRELIMINARY PLAN A complete plan identified as such with the wording Preliminary Plan in the title accurately showing proposed streets and lot layout and such other information as required by this Ordinance, such plan prepared by a qualified professional (see definition of qualified professional).
- C. FINAL PLAN A complete and exact plan identified as such with the wording Final Plan in the title, with a qualified professional's seal (see definition of qualified professional) affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
- D. RECORD PLAN The copy of the final plan which contains the original endorsements of the Township and which is intended to be recorded with the County Recorder of Deeds.

PLANNING COMMISSION The Herrick Township Planning Commission.

POSITIVE DRAINAGE - Sufficient slope to drain surface water away from buildings without ponding.

PRIMITIVE TYPE CAMPING FACILITY - An overnight camping facility with no improvements beyond those required by law; no permanent structures other than tent platforms, privies and maintenance buildings; and designed and restricted to accommodate only persons using tents or similar apparatus, not including any vehicle on wheels.

PRINCIPAL STRUCTURE - The building in which the primary use of a lot is conducted. Any building that is physically attached to a principal building shall be considered part of that principal building.

PUBLIC HEARING A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance and the MPC.

PUBLIC MEETING A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), as amended, known as the "Sunshine Act."

PUBLIC NOTICE Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC UTILITY TRANSMISSION TOWER - A structure, owned and operated by a public utility electric company regulated by the Pennsylvania Public Utility Commission, designed and used to support overhead electricity transmission lines.

QUALIFIED PROFESSIONAL - An individual authorized to prepare plans pursuant to §503(1) of the MPC which states that *plats and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (P.L. 1527, No. 535), known as the "Landscape Architects Registration Law," when it is appropriate to prepare the plat using professional services set forth in the definition of the "practice of landscape architecture" under section 2 of that act.*

RECREATIONAL SUBDIVISION OR LAND DEVELOPMENT - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, or parcels of land involving changes in existing lot lines for the purpose, whether immediate or future, of lease, rent, sale, or transfer of ownership to provide a site for occupancy by travel trailers, truck campers, camper trailers, motor homes, or tents

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for transient use, whether or not a fee is charged. Campgrounds, RV parks, primitive camping grounds and other similar facilities shall fall under this definition.

RECREATIONAL VEHICLE - A vehicular type of unit initially designed as temporary living quarters for recreational camping or travel use, which either has its own motor power or is mounted on, or drawn by, another vehicle. The basic types of recreational vehicles are:

- A. CAMPER TRAILER - A vehicular unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfolds at the campsite.
- B. MOTOR HOME - A vehicular unit built on a self-propelled motor vehicle chassis.
- C. TRAVEL TRAILER - A vehicular unit, mounted on wheels, of such size (no more than 500 square feet) and weight as not to require a special highway movement permit when drawn by a motorized vehicle.
- D. TRUCK CAMPER - A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck.
- E. SELF-CONTAINED UNIT - A unit which:
  - (1) Can operate without connections to external sewer, water and electrical systems, and
  - (2) Has a toilet and holding tank for liquid waste, and
  - (3) Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank.

REPLAT / RESUBDIVISION - A change in the map of an approved or recorded subdivision plat if such change affects any street layout on the map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivision.

RESERVE STRIP - A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESIDENTIAL BUILDING - A building or portion thereof that is used exclusively for human habitation, including, but not limited to, single-family, two-family and multi-family dwellings, and mobile homes.

REVERSE FRONTAGE LOTS - Lots which front on one street and back on another with vehicular access solely from only one street.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, drainage way or for other public or semipublic purposes.

RUNOFF - That portion of rainfall or snowmelt that does not enter the soil, but moves off the surface.

SCREEN - A device, material or construction used to conceal an element of a development from other elements or from adjacent development or public road rights-of-way, which may include walls, fences, topography, berms, natural and planted vegetation or other means approved by the Commission.

SETBACK - An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front setbacks shall be measured from the edge of the road right-of-way and other setbacks from property lines perpendicular to the road/property line to the nearest point of the structure.

SEWAGE DISPOSAL SYSTEM -

- A. COMMUNITY - A public or private system designed to collect sewage from two (2) or more principal structures, and convey the sewage to a separate lot or location for treatment.
- B. ON-SITE - A system designed to collect, treat and dispose of sewage from a single principal structure
- C. SHARED - A system designed to collect sewage from two (2) or more principal structures on the same lot where the system is contained on the same lot as the principal structures. (Note: Any sewage disposal system serving two (2) or more lots shall be considered a community sewage disposal.)

SEWAGE TREATMENT PLANT - A sanitary sewage collection and treatment system meeting the requirements of the Pennsylvania Department of Environmental Protection (DEP) in which sewage is carried from individual lots or dwelling units by a system of pipes to a community treatment and disposal facility or system which may be publicly or privately owned and operated, and which uses mechanical, biological and chemical processes to treat and dispose of domestic sewage in accord with DEP Rules and Regulations involving an effluent discharge to surface waters.

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SEWER CONNECTION (as used in Article VII) - All pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe.

SEWER RISER PIPE - That portion of the sewer lateral that extends vertically to the ground elevation and terminates at each mobile home lot.

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.

SHOULDER - The improved portion of a street immediately adjoining the cartway or travelway.

SPECIMEN TREE - Any tree with a caliper that is twelve (12) inches or more in diameter at breast height or is of exceptional character as determined by the Commission.

STREET - A strip of land including the entire right-of-way intended for use as a means of vehicular and pedestrian circulation.

- A. COLLECTOR - Gather traffic from minor and local access streets and feed this traffic to connector and arterial streets and expressways. Collector streets carry heavier traffic volumes than local streets although they also provide direct access to individual uses located along them. Collector streets serve more than two hundred (200) dwelling units.
- B. MINOR - Provide direct access to individual uses or gather traffic from local access streets and feed this traffic to collector streets. Minor streets serve from twenty six (26) to two hundred (200) dwelling units.
- C. LOCAL - Provide direct access to individual uses and serve as the connecting link between the beginning and end point of a trip and the higher categories of streets. Local streets serve from three (3) to twenty-five (25) dwelling units.  
CUL-DE-SAC - A local access street that is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end.
- D. MARGINAL ACCESS - A street that is parallel and adjacent to a major traffic street. They provide access to abutting properties and control of intersections with major traffic streets.
- E. PRIVATE ACCESS DRIVE - Provides access to no more than three (3) lots from an approved street where the residential lots do not have frontage on an approved street.

SUBDIVIDER See *developer*.

SUBDIVISION The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

- A. MINOR SUBDIVISION - any subdivision of ten (10) lots or less as enumerated from May 15, 1972, fronting on an existing public street, not involving any new street or streets or the extension of municipal facilities, including but not limited to sewers and water lines, and not involving the creation of any public improvements, provided the Township may in the case of such subdivisions with more than ten (10) lots the Township may proceed directly to consideration of final approval.
- B. MAJOR SUBDIVISION Any subdivision that is not a minor subdivision, addition subdivision or lot line adjustment subdivision.
- C. ADDITION SUBDIVISION (Also known as *an add-on or lot improvement subdivision*.) A minor subdivision involving the realignment of lot lines or the transfer of land to increase the size of an existing contiguous lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and no new lots are created; or the combination or re-allotment of small lots into a larger lot or lots. An addition lot may not be separately conveyed from the new parcel without approval of the Commission
- D. LOT-LINE ADJUSTMENT - any minor subdivision that proposes a minimum change in an existing single lot line between two parcels.

SUBSTANTIALLY COMPLETED Where, in the judgment of the municipal engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

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TENT - A moveable shelter made of canvas or other similar new material and supported by a pole or poles.

TOWNSHIP – The Township of Herrick

TRAVELWAY The portion of the cartway used for normal movement of vehicles.

WATER CONNECTION - All pipes, fittings and appurtenances from the water-riser pipe to the water inlet pipe of the community water system in the mobile home park.

WATERCOURSE A stream or river with perennial, intermittent or seasonal flow.

WATER RISER PIPE (as used in Article VII) - That portion of the water service pipe that extends vertically to the ground elevation and terminates at each mobile home lot.

WATER SERVICE PIPE (as used in Article VII) - All pipes, fittings valves, and appurtenances from the water main of the mobile home park community water system to the water outlet of the distribution system within the mobile home.

WATER SUPPLY, COMMUNITY A public or private system designed to supply and transmit drinking water from a common source from a separate lot or location to two (2) or more principal structures.

WATER SUPPLY, INDIVIDUAL SYSTEM ON CONSERVATION LAND A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on adjacent conservation land via a use and access easement.

WATER SUPPLY, ONSITE A system to supply and convey drinking water to a single principal structure from a source located on the same lot.

WATER SUPPLY, SHARED - A system to supply and convey drinking water to two (2) or more principal structures on the same lot where the water source is located. (Note: Any water system serving two (2) or more lots shall be considered a community water supply.)

WETLAND An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the most current applicable state and federal criteria; and being regulated by the PA DEP and the U.S. Army Corps of Engineers.

WOODLAND - A stand of predominantly native vegetation covering at least one (1) acre, consisting of at least fifty (50) percent cover of mature trees of varying size.

YARD An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines perpendicular to the road/property line to the nearest point of the structure.

**ARTICLE III - PLAN PROCESSING**  
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**§ 150-12 Procedures and Requirements for Minor Land Developments and Subdivisions**

The following procedures and requirements shall apply to minor subdivisions only (See Definitions). All other subdivisions and re-subdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified in § 150-13 of this Ordinance. Minor subdivisions shall not be subject to these particular requirements, but shall comply with the remainder of this Ordinance.

- A. Any person proposing to create a minor subdivision shall submit along with plans required in sub-section B below, seven (7) copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/or include:
- (1) The name, address and telephone number of the property owner of record and those of the subdivider, if different.
  - (2) The name or number of the road where the proposed subdivision is to be located.
  - (3) The name, address and telephone number of the surveyor or engineer preparing the subdivision plans.
  - (4) The type of water supply proposed.
  - (5) The type of sewer system proposed and permit number, if granted. Should an existing system be proposed for a new use of greater intensity than the previous use, a Professional Engineer or Certified Pennsylvania Sewage Enforcement Officer shall have first determined such system is adequate to accommodate the additional wastewater flow and documents to this effect shall be submitted.
  - (6) Fee or receipt for the same from the Township Secretary
- B. The subdivider shall submit seven (7) copies of the Final Plan and required supplementary data for the proposed subdivision. This plan shall be prepared by a Professional Engineer or Registered Surveyor and shall show all the lots proposed to be created. The Final Plan and supplementary data shall meet the following requirements:
- (1) The map shall when possible be drawn at a size compatible with Susquehanna County tax maps and shall be not less than 8 1/2" X 11" nor more than 24" X 36" in size.
  - (2) The names of all abutting property owners, including deed references and tax map numbers, and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
  - (3) The map shall show the name of the municipality and County, name of the existing owner of record, North Point, graphic scale, and date.
  - (4) Soil types found on the site shall be shown unless the lots involved are lot improvements or contain existing sewage systems. Soil Conservation Service Classifications shall be used.
  - (5) Existing public roads shall be identified by traffic or legislative route numbers and private roads by their posted names and numbers.
  - (6) Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in acres or square feet. The map shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider, and show adjacent lots already taken from the parcel.
  - (7) A Planning Module for Land Development (or such other comparable documentation as may be required by the Pennsylvania Department of Environmental Protection), along with a soils evaluation by the test pit method and/or other required supplemental data shall be reviewed by the Township Sewage Enforcement Officer and submitted in a form suitable for adoption by the Township as a supplement to the Township Official Wastewater Disposal Plan.
  - (8) A completed application to either Herrick Township or the Pennsylvania Department of Transportation, as the case may be, for a street encroachment or highway occupancy permit.
  - (9) A location map inset at a scale of 1" = 2000' shall be provided.
  - (10) Building setback lines shall be depicted geographically or listed.
- C. The subdivider shall submit the application for minor subdivision approval, along with the required copies of the plan, to the Township Planning Commission at the Commission's monthly meeting. The Township shall note receipt of the application, collect any fees due and, where appropriate, forward a copy of the application to the Township code enforcement officer(s) Township Engineer, Township



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Supervisors, Susquehanna Conservation District, and other agencies for analysis of its compatibility with this and other Herrick Township Ordinances. (Checks shall be made payable to the Herrick Township Board of Supervisors).

A copy of the application shall also be forwarded, at the time of receipt by the Township, to the Susquehanna County Planning Department for a review and report not to exceed 30 days as per the requirements of the Pennsylvania Municipalities Planning Code together with a fee sufficient to cover the costs of the review, which fee shall be paid by the applicant. (Checks shall be made payable to Susquehanna County).

The Township Planning Commission and Engineer shall prepare a report on the application no later than thirty 30 days following receipt of the same, unless the application is determined to be incomplete and is not accepted for filing. Incomplete applications shall be returned to applicants by the Township with or without the other review agencies' advice, and shall be accompanied by a written explanation of the items which are missing.

All reviewing agencies shall make recommendations to the Board of Supervisors, which recommendations shall be in letter form or noted on the plats submitted.

The Supervisors shall act no later than ninety (90) days following the filing date.

The Supervisors shall concurrently act on the proposed supplement to the Official Wastewater Disposal Plan and shall communicate their decision in writing to the applicant within fifteen (15) days following the action (within ninety (90) days following the filing date), setting forth any reasons for disapproval if that should be their decision.

**§ 150-13 Procedures and Requirements for Major Land Developments and Subdivisions**

- A. A Sketch Plan may be submitted to the Township by the owner of any land to be subdivided or developed, for the purpose of classification and preliminary discussion of the proposed subdivision or land development. No action will be taken by the Township with respect to a Sketch Plan and no discussions concerning the same shall later be construed to have implied approval of any sort.
- B. Sketch planning shall be mandatory for all major subdivisions and land developments involving more than ten (10) housing units or residential lots. Two (2) such plans shall be prepared by the developer - one depicting a conventional layout according to the standards herein and the other illustrating a land conservation development. The Township shall use the former, and professional advice at its disposal, to determine net density possible with conventional development and use this figure as a basis for determining net density for the land conservation development. Should the developer then opt to pursue such a land conservation development, the Commission may recommend and the Board of Supervisors may accept, adjusting of the standards contained herein to allow such development without necessitating a formal waiver.
- C. Nine (9) copies of an application and Preliminary Plan shall be required for all proposed major subdivisions and land developments. The Preliminary Plan shall include all the items identified in Section 100-17 below and shall be submitted at least 10 days prior to a regular meeting of the Township to the Township Secretary who shall note receipt of the application and collect any fees due and forward a copy to the Township code enforcement officer(s) for analysis of compatibility with other Herrick Township Ordinances. Copies shall be distributed in the manner provided for minor subdivisions. (Checks shall be made payable to the Herrick Township Board of Supervisors)

A copy of the application shall also be forwarded, at the time of receipt by the Township, to the Susquehanna County Planning Department for a review and report not to exceed 30 days as per the requirements of the Pennsylvania Municipalities Planning Code together with a fee sufficient to cover the costs of the review, which fee shall be paid by the applicant. (Checks shall be made payable to Susquehanna County).

The Township Engineer and Planning Commission shall review the Preliminary Plan to ascertain whether it complies with the requirements of this Ordinance. The Planning Commission may request the subdivider to submit additional information, make certain corrections or changes, or advise the Township Secretary to return the Plan as incomplete and, therefore, not acceptable for filing.

The Planning Commission shall, no later than forty-five (45) days following the filing date, make its recommendation for approval or disapproval and submit a report to the Board of Supervisors. The Board of Supervisors shall make its decision regarding the Preliminary Plan within thirty (30) days of its receipt of the reports and communicate that decision in writing to the applicant within fifteen (15) days, (90 days total from the filing date) setting forth any reasons for disapproval, should that be the decision.

The Board shall concurrently make its decision with respect to the Planning Module for Land Development to revise or supplement its Official Plan and, if approval is granted, said revision or supplement will promptly be forwarded to DEP. Preliminary approval shall be conditional upon DEP acceptance of the proposed revision.

After receiving approval of a Preliminary Plan, (or when conditions are removed), the subdivider shall install or guarantee installation

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of the improvements required by this Ordinance and commence the preparation of Final Plans. In the absence of actual installation of improvements, the subdivider may otherwise guarantee them according to the requirements herein.

D. Final Plan Procedures.

Following the installation and inspection of improvements or preparation of satisfactory guarantees for their installation and maintenance, the subdivider may submit Final Plans to the Township, which shall be processed in the same manner as Preliminary Plans. Final Plans may be submitted in stages. However, no Preliminary Plan (or portions of such Plan) shall remain valid for development of Final Plans after a period of five years from Preliminary Approval and no Final Plans will be accepted for any subdivision or land development for which DEP has not approved the necessary revision to the Official Wastewater Disposal Plan.

Following approval of the Final Plan by the Board of Supervisors the subdivider shall, within ninety (90) days, officially record the Final Plan in the Office of the Susquehanna County Recorder of Deeds. Failure to do so will render the plan void and the subdivider shall resubmit the Plan for approval including any filing fees required.

**§ 150-14 Sketch Plans for Major Land Developments and Subdivisions**

The Sketch Plan should be at a scale sufficient to show the entire tract on one sheet, and should show or include the following:

- A. The location of that portion which is to be subdivided in relation to the entire tract.
- B. All existing structures and wooded areas within the portion to be subdivided.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records.
- D. All streets or roads, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
- E. The tentative layout of the remainder of the tract owned by the subdivider.
- F. North Point, graphic scale, date and name/address of subdivider and landowner.
- G. A location map with sufficient information to enable the locating of the property.

**§ 150-15 Preliminary Plan Requirements for Major Land Developments and Subdivisions**

The Preliminary Plan shall be clearly and legibly drawn at a scale compatible with Susquehanna County tax maps. Maps shall be not less than 11" X 17" nor more than 24" X 36" in size and should, when possible, show the entire tract to be divided. The Plans and accompany supplementary data shall contain the following information:

- A. Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within Susquehanna County. The name and address of the present landowner as well as subdivider ( if different) shall also be provided.
- B. Location by municipality. The plan shall also include tax map numbers for affected and adjacent parcels and a 1" = 2000' location map.
- C. North point, date and graphic scale.
- D. Boundaries of total tract and acreage contained within it.
- E. Locations, names and widths of rights-of-way of all streets, widths of utility rights-of-way, parks and public grounds, permanent buildings in, or adjacent to the subdivision which will have an effect on the design, and all open space easements.
- F. Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other items above or below ground with direction of flow and pressure.
- G. Names of owners of abutting properties with deed book references, and lines showing where they intersect.
- H. Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Township reserves the right to request greater detail when the scope or nature of the development demands the same.
- I. Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by the Township Road and Highway Occupancy Ordinances, including profiles, cross-sections, and preliminary designs for bridges and culverts.

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- J. The proposed layout, numbering and approximate dimensions and acreage of lots.
- K. Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents, shall be shown and marked as such.
- L. Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
- M. All drainage easements shall be shown and marked as such.
- N. Approximate final grades in areas of cut or fill shall be shown.
- O. Any lots designated for uses other than residential shall be indicated.
- P. Proposed covenants and restrictions.
- Q. Evidence of water supply. In cases where no public water supply is planned as part of the subdivision, the subdivider shall supply acceptable evidence of the availability of other potable water source. This evidence may be in the form of logs from test wells by the subdivider, or logs from existing wells established by professional well drillers.
- R. The subdivider shall present a letter from each utility company servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
- S. Erosion and sedimentation plan prepared in cooperation with the Susquehanna County Conservation District (where required).
- T. Storm water management plan prepared in compliance with Section 100-29 of this Ordinance, entitled "Storm Drainage."
- U. Planning Module for Land Development, along with all information required in order to approve as a revision or supplement to the Official Plan.
- V. Completed applications to Herrick Township and/or the Pennsylvania Department of Transportation for highway occupancy permits.
- W. Floodplain boundaries, if applicable, and evidence of compliance with Township, Commonwealth and Federal requirements pertaining to such areas.

**§ 150-16 Requirements for Guarantee of Improvements**

- A. After approval of the Preliminary Plan, the subdivider, in a manner consistent with the Pennsylvania Municipalities Planning Code, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide usable and desirable lots). Before requesting Final Plan approval the subdivider must:
  - (1) Install all the improvements approved on the Preliminary Plan and required in Article IV at the standards required, or
  - (2) File with the Secretary of the Township a performance guarantee to insure installation and construction of all required improvements at the standards required. Such guarantee shall meet with the approval of the Township Solicitor as to form and procedure.

The subdivider shall meet with the Township Engineer to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.
- B. This Section is designed to be consistent with Section 509 to Section 511 of the Pennsylvania Municipalities Planning Code and the Township hereby incorporates all authorities and requirements contained therein as part of this Ordinance.
  - (1) Posting - The performance guarantee must be approved by the Board with the advice of the Township Attorney and Engineer, and must:
    - (a) Be a corporate surety bond, certified check, or other security, provided the same is satisfactory to the Board and consistent with the requirements of the Pennsylvania Municipalities Planning Code.
    - (b) Be payable to the municipality in which the subdivision is located.
    - (c) Be in an amount sufficient to complete the improvements in compliance with these regulations plus expected cost increases as provided in the Municipalities Planning Code.
    - (d) In the case of cash or its equivalent, be held in an escrow fund in the name of the municipality.

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- (e) Specify a satisfactory completion date for improvements which shall not be more than one (1) year from the date of the Final Approval. Provisions may also be made, pursuant to the aforementioned Code, for completion of improvements in phases or over a longer period, in cases of large developments.
- (2) Return - When the improvements have been completed and approved for conformity with these regulations by the Township Engineer or other qualified individual designated by the Township and accepted by the Township Board of Supervisors, the guarantee must be released and returned. When any of the required improvements have been completed and approved or materials for the same have been secured on-site, a portion of the security commensurate with the cost of these improvements, may be released and returned.
- (3) Default - In the event of default, the obligor and surety shall be liable thereon to the Township for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.
- C. Prior to the certification of any improvements or release of any guarantee, the subdivider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in Section 100-20 of these Regulations. Said payment shall be made to the Township.
- D. Where improvements are being dedicated to the Township, the subdivider shall comply with the applicable requirements of any other Township Ordinances governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Board of Supervisors. Such maintenance guarantee shall be in such form as required herein for financial guarantees and guarantee the Developer shall maintain all improvements in good condition during the twelve (12) months after the completion of construction or installation and final approval of all improvements. If the Developer is negligent or fails to maintain all improvements in good condition during the twelve (12) month period, Herrick Township may enforce the maintenance guarantee, bond or other surety by appropriate and equitable remedies. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said twelve (12) month period, Herrick Township may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition. After the expiration of said twelve (12) months period and if all improvements are certified by the Herrick Township Engineer to be in good condition, the Township shall authorize release of said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.
- E. The Developer shall provide to the satisfaction of Herrick Township and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements.
  - (1) In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements with the owner of the land development.
  - (2) In the case of subdivisions, cluster developments, multifamily housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association (POA) to assume the ultimate ownership of all development improvements and responsibility for maintenance of such improvements. Membership in the POA shall be mandatory for all property owners in the development. The developer shall also be a member of the POA and shall remain responsible for payment of any per lot dues or fees assessed by the POA which are associated with improvements serving said lots. The deed covenants and restrictions creating the POA shall be approved by the Township.
  - (3) In the case where roads, drainage facilities, a community sewage treatment system or community water supply, or any other improvements are to remain private, the developer shall provide for the establishment of an escrow fund as provided herein to guarantee the operation and maintenance of the improvements. Said fund shall be established on a permanent basis with administrative provisions approved by Herrick Township. The amount of said fund shall be established by Herrick Township, but in no case shall be less than fifteen (15) percent nor more than twenty-five (25) percent of the construction cost of the system as verified by the Herrick Township Engineer. The maintenance and operation of the improvements and the administration of any required maintenance fund account, shall be clearly established as the joint responsibility of the owner(s) of each structure or dwelling unit served by such system. Such responsibility and the mechanism to accomplish same shall be established by deed covenants and restrictions which shall be approved by Herrick Township.

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- (4) The offer of dedication to Herrick Township and the acceptance by Herrick Township of any roads or associated drainage facilities shall be governed by t Herrick Township's road dedication ordinance.
- F. The ownership and maintenance of open land or recreation land (referred to as "common open space") as required by this Ordinance shall be accomplished as follows:
- (1) The requirements of this section are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.
  - (2) The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by Herrick Township and the provisions of the approved Plan shall be incorporated into a development agreement with Herrick Township, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by Herrick Township.
  - (3) The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance.
  - (4) The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: *Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.*
  - (5) The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods that follow. In any case, the developer shall document to the satisfaction of Herrick Township that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land. All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of Herrick Township. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.
  - (6) All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot owners in the development provided:
    - (a) The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
    - (b) Participation in the POA/CA is mandatory for all lot owners.
    - (c) Provision is made for the maintenance of common open space during the lot sale period and the orderly transition of responsibility from the developer to the POA.
    - (d) The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.
    - (e) In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a private, non-profit organization among whose purposes is the conservation of open land and/or natural resources; provided the deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Ordinance. The organization proposed must be a bona fide, operating and stable conservation organization with a perpetual existence, as approved by Herrick Township. The conveyance of title shall include the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title. A maintenance agreement between the developer, organization and Township shall be executed to the satisfaction of Herrick Township.
    - (f) Deed restrictions on privately held lands used for agriculture and forestry enterprises may be used to preserve open land provided such restrictions include a conservation easement in favor of Herrick Township, with provisions for reversion to the POA or trustee holding the remainder of the common open space. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.

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- (g) The landowner may provide, as approved by Herrick Township, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- G. All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by Herrick Township, and if so directed by the Township, enter into a legally binding development agreement with the Township whereby the developer guarantees the installation of the required improvements in accord with the approved plan and all Herrick Township requirements. Such development agreement shall, if required, be executed prior to Final Approval, and be in a form suitable for execution by the Township and shall provide for the following, where applicable:
- (1) The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.
  - (2) Installation of survey monuments and lot markers.
  - (3) Installation of all public utility lines.
  - (4) Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
  - (5) Developer's responsibility for any damages to adjacent or neighboring properties.
  - (6) A work schedule setting forth the beginning and ending dates, and such other details as the Township deems fit and appropriate, for improvements contained herein, including the timing of the development of any proposed sections.
  - (7) The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
  - (8) Security in the form of a construction guarantee approved by Herrick Township to insure the installation of the required improvements.
  - (9) Security in the form of a maintenance guarantee approved by Herrick Township for the repair or reconstruction of improvements which are found by the Herrick Township Engineer to be defective within twenty-four (24) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
  - (10) A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer and/or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
  - (11) Dedication of any improvements.
  - (12) Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to Herrick Township.
  - (13) A save harmless clause to protect the Township from any and all liability.
  - (14) The Developer's responsibility for all reasonable engineering and consulting costs and expenses for inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.
  - (15) Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
  - (16) Provisions for violations of the development agreement.
  - (17) Provisions for severability of any article.
  - (18) Provisions for any additional agreements deemed necessary.

**§ 150-17 Final Plan Requirements for Major Subdivision**

The Final Plan shall be prepared on one or more sheets of a uniform size no greater than 24" x 36" and otherwise coinciding with requirements of the Susquehanna County Recorder of Deeds. Final Plan attachments and exhibits shall be numbered and labeled in accordance with the requirements of this Section and any "subdivision checklists" developed by the Township. The Final Plan shall include, in addition to the information required for the Preliminary Plan submission, the following:

- A. Exact locations, widths and names of all streets and all crosswalks within the subdivision.

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- B. Complete curve data for all curves included in the Plan.
- C. Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.
- D. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon.
- E. Front building lines, shown graphically with dimensions.
- F. A final version of all restrictions and covenants, if any, the developer intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included. The following items, when applicable, shall be included in protective and/or restrictive covenants, as well as on Final Plans:
  - (1) Building setbacks.
  - (2) Corner lot easements for clear sight triangles.
  - (3) Corner lot driveway locations.
  - (4) Utility and drainage easements including ownership and maintenance responsibility.
  - (5) "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Protection and Herrick Township."
  - (6) "Individual owners of lots must apply to Herrick Township for a sewage permit prior to the construction of any onlot sewage disposal system".
  - (7) "In granting this approval Herrick Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system on any individual lot shown on this plan."
- G. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments or markers shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify the placement of the monuments or markers.
- I. The Final Plan shall contain a certificate signed by the project engineer indicating that all improvements have either been installed and approved by the proper officials or agencies, or that a guarantee in an amount satisfactory to the Township Engineer and sufficient to ensure their installation has been submitted to the Township.
- I. Complete final construction plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless private septic tanks are to be used.
- J. Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations off valves and fire hydrants, if any, unless private wells are to be used.
- K. Evidence in writing of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.
- L. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 4000 feet or any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
- M. Blank approval blocks for the Township Planning Commission and the Township Board of Supervisors stamp and signatures shall appear on every sheet of the set of plans.
- N. A statement that Erosion and Sedimentation and Storm Water Management Plans, as required, have been prepared and where appropriate approved by the Susquehanna County Conservation District.
- O. Copies of street encroachment or highway occupancy permits.
- P. The following general notes shall be on all Final Plans, if applicable:

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- (1) In the event the subdivision incorporates a private access drive as defined in this Ordinance, the following --- "The improvement and maintenance of any private access drive shall be the sole responsibility of those persons benefiting from the use thereof".
- (2) In the event of a "Add-on/Addition" proposal --- "By the recording of this deed, the Grantees agree and acknowledge that the lands herein conveyed and the lands presently owned by the Grantees herein as set forth in Susquehanna County Deed Book \_\_\_ Page \_\_\_ shall be considered one parcel for subdivision purposes. That is to say, the parcel herein conveyed shall not be conveyed as a separate parcel from other lands of the Grantees herein without approval by Herrick Township."
- (3) "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, §420) and for access to roads under the jurisdiction of Herrick Township."
- (4) In the case where wetlands are present or if otherwise required by the Township --- "The Developer and/or the lot purchaser(s) assumes full responsibility for obtaining any local, state, and federal permits and/or approvals, relating to wetlands. This approval by Herrick Township shall not in any manner be construed to be an approval of compliance with statutes or regulations relating to wetlands. Herrick Township shall have no liability or responsibility for same to the Developer or purchaser(s)."
- (5) When on-site subsurface sewage disposal is proposed --- "This approval in no way certifies or guarantees the suitability of any lot for the installation of a subsurface sewage disposal system. The DEP planning conducted as part of the subdivision plan approval process is for general suitability only; and a sewage permit will be required prior to the issuance of any building permit."
- (6) In cases where the requirement for sewage planning is waived by Herrick Township --- "The lot(s) shown on this plan have not been approved for any type of sewage disposal, based upon the representation by the developer that the lot(s) will be used for the purposes other than a dwelling, commercial establishment, or any use which generates wastewater. The development of the lot(s) for any such purpose shall require a sewage permit from Herrick Township."

Each Final Plan submission shall, in addition to the items required above, include new submissions of Preliminary Plan data in any instance where there has been a change in the plans or the circumstances surrounding them.

**§ 150-18 Application Fees**

At the time an Application for subdivision approval is filed, a fee shall be paid to the Township by the subdivider; such fee to be determined from a schedule of fees as adopted by the Board of Supervisors by resolution. These shall include reasonable professional review fees as may be required by the Township pursuant to § 150-65 hereof.

**§ 150-19 Mediation**

In instances of disagreements or misunderstandings regarding the proceedings covered by this section, the Township may offer the option of mediation as a means of resolving any disputes. All such mediation shall be subject to Section 908.1 of the Municipalities Planning Code.

**§ 150-20 Special Provisions Applicable to Land Developments**

The following special provisions shall apply to Land Development Plans, in addition to other requirements set forth herein:

- A. No use of land or structure within the land development shall be initiated until such time as a certificate of conformance has been issued by the Township. No certificate of conformance shall be issued until such time as all the improvements shown on the Land Development Plan have been installed by the Applicant, and have been certified as complete by the Township Engineer.
- B. Upon the completion of all improvements, the Applicant shall provide the Township with plans certified by the Applicant's engineer showing all such improvements as installed. Failure of the Applicant to provide the as-built plans shall constitute a violation of this Ordinance, and shall be subject to all the enforcement proceedings provided herein.
- C. The time period for review of the plan may be extended by mutual agreement of the Applicant and the Township, and any such agreement shall be in writing.

**§ 150-21 Add-on / Addition Subdivisions / Lot Line Adjustments (Also known as *lot-improvement subdivisions*.)**

Add-on / Addition or Lot-line Adjustment Subdivisions which involve the creation of new lot lines shall require a new subdivision map and shall be processed in the manner set forth herein for Minor Land Developments and Subdivisions. However, sewage planning modules may not be required unless additional new sewage disposal areas are proposed. The applicable notes required herein shall be included on the map; and the combination language shall also be included in the deed from the grantor to the grantee, and shall also be made binding



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on the combined parcel(s) of the grantee via Articles of Restrictive Covenants. All Add-on / Addition or Lot-line Adjustment Subdivision plans shall be recorded with the Recorder of Deeds as required herein.

**§ 150-22 Survey of Parent Tract**

In cases where a parcel is being subdivided the requirement that the parent parcel be surveyed may be waived by the Township provided the Applicant can demonstrate to the satisfaction of the Township that an adequate description of the parent parcel is on record which may be a recorded survey map or recorded deed description. All parcel(s) subdivided from the parent parcel shall be surveyed and platted in accord with all the requirements of this Ordinance and said parcel(s) shall front on a public road; or evidence satisfactory to the Township otherwise demonstrating access shall be provided by the Applicant. The subdivision shall in all other respects be processed in accord with this Ordinance

**§ 150-23 Contiguous Municipalities**

In accord with §502.1(b), of the MPC, the governing body of any municipality contiguous to the municipality in which a subdivision, change of land use or land development may be proposed, may appear before Herrick Township to comment on a proposed subdivision, change of land use, or land development.

**ARTICLE IV - DESIGN STANDARDS**  
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**§ 150-24 General Standards**

The standards and requirements contained in this Article shall apply to all subdivisions and land developments and are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied as such by Herrick Township in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

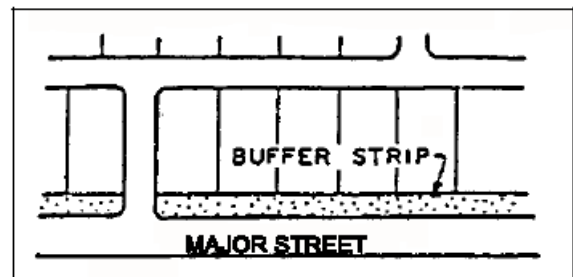
- A. Planning - The development shall conform to the proposals and conditions shown in Township Comprehensive Plan and any local or regional plans adopted by a municipality to which this ordinance applies. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Plan or Official Map shall be considered in the approval of all plans.
- B. Improvements, Specifications - Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Township, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of Herrick Township and/or to protect the environment of the Township.
- C. Hazard Areas - Those areas which may present such hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or local municipal policies.
- D. Development Design, Neighboring Development - All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and land locked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of traffic movement, drainage and other reasonable considerations.
- E. Natural Features - Care shall be taken to preserve natural features such as trees, water courses, views, and historical features, such as buildings and stone walls, which will add attractiveness and value to the remainder of the land. Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the local municipality, the Pennsylvania Department of Environmental Protection and the US Army Corps of Engineers. the Township may direct the subdivider to preserve trees, groves, topsoil, waterways, scenic points, historic sites, and other community assets or landmarks which are important to maintaining the integrity of the site.
- F. Boundary Lines - Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- G. Water Frontage and Surface Drainage - In the case where a local municipal is more restrictive such ordinance shall apply, otherwise the following shall apply.
  - (1) The damming, filling, relocating, or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural watercourse shall require all applicable permits to be obtained by the applicant.
  - (2) Buildings shall be located so that the lowest floor (including basement) of any residential or non-residential structure is located at least one and one-half (1.5) feet above the one hundred (100) year flood elevation as established by the National Flood Insurance Program or the structure be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
  - (3) Building shall be located no less than fifty (50) feet from the normal high water line of any lake, pond or waterway.
- H. Community Facilities and Comprehensive Plan Requirements - Where a proposed park, playground, school, or other public use is shown in a municipal comprehensive plan and is located in whole or in part in a proposed development, the Township may require the reservation of such area provided that such reservation is acceptable to the municipality and the developer.
- I. Walkways - Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school).
- J. Storm Drainage - Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Where applicable, detention basins or other water retention methods may be required by the Township in accord with this ordinance.

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- K. Planned Improvements - Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the record plan.
- L. Improvements Specifications - All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township and recommendation of the Township Engineer. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry, or such other County, State or Federal agency as may be applicable. If there are no applicable County or State regulations, the Township may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.
- M. Whenever other Township ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed, otherwise, the standards and requirements of this Ordinance shall apply.

**§ 150-25 Residential Blocks and Lots**

- A. Configuration - The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, the existing constructed features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.
- B. Blocks
  - (1) Blocks shall have a maximum length of one thousand two hundred (1,200) feet. Block length shall not apply to curvilinear street layouts which otherwise provide adequate access and meet the intent of this Ordinance.
  - (2) Blocks shall be of sufficient width to permit two (2) tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two (2) tiers of lots.
- C. Lots and Density - All developments proposed for residential use and certain other developments including, but not limited to, hunting camps, cottages, travel trailer parks, campground or campsite developments where lots are for sale, rent, or lease and other seasonal recreational, or seasonal developments where land is sold, rented, or leased (except mobile home parks and campgrounds and recreational vehicle parks where campers or travelers are licensees), shall conform with the provisions of this section. Standards for mobile home parks and campgrounds and recreational vehicle parks, where campers or travelers are licensees, shall conform with the provisions of Article VI.
  - (1) Lot sizes, lot dimensions (minimum average width), residential density and building setbacks shall be subject to the requirements of the Herrick Township Zoning Ordinance.
  - (2) Lot lines should follow municipal and county boundary lines, rather than cross them.
  - (3) If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.
  - (4) All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
  - (5) Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.
  - (6) In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever five (5) lots of an average of less than two hundred (200) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.
- (7) All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- (8) Lots shall be laid out to the edge of any newly proposed road right-of-way, and lot lines along existing public or private roads shall be maintained as they exist.



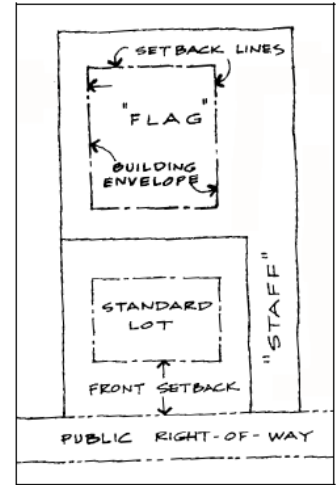
Reverse Frontage Lots

**ARTICLE IV - DESIGN STANDARDS**  
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- (9) No corner lot shall have road frontage of less than one hundred fifty (150) feet on the frontage with driveway access.
- (10) All corner lots shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting right-of-way lines.

D. Flag Lots - Flag lots shall be permitted in accord with the following:

- (1) In subdivisions of more than four (4) lots, no more than forty (40) percent of the lots may be approved as flag lots.
- (2) The access corridor portion of the lot is the area of the lot that extends between the street and main portion of the lot, and shall not exceed three hundred (300) feet in length, as measured from the street right-of-way.
- (3) The access corridor shall, at a minimum, meet the right-of-way width requirement for private access drives.
- (4) The lot minimum average width measurements shall be made using the main portion of the lot and shall not include the access corridor.
- (5) The lot line where the narrow access corridor widens shall be considered the front lot line for applying setback requirements.



Flag Lot

**§ 150-26 Streets/Roads**

A. General Requirements - The following requirements shall apply to all proposed roads and streets.

- (1) Every subdivision and land development shall have access to a public right-of-way.
- (2) Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the municipality in which the development is located and shall further conform to such local municipal, County and State road and highway plans and Official maps as have been prepared and adopted as prescribed by law.
- (3) In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged. The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Township deems such extension undesirable for specific reasons of topography or design.
- (4) Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles and cross sections as approved by the Township.
- (5) Dead-end streets shall be prohibited, except when designed as cul-de-sac to serve residential areas.
- (6) All provisions for drainage facilities shall be designed so as to provide for carrying of surface water from the surrounding drainage area, buildings, and pavement.
- (7) All streets shall meet the construction standards of Herrick Township and the Pennsylvania Department of Transportation, where applicable.

B. Topography - Roads shall be logically related to topography to produce reasonable grades, minimize stormwater runoff and provide suitable building sites.

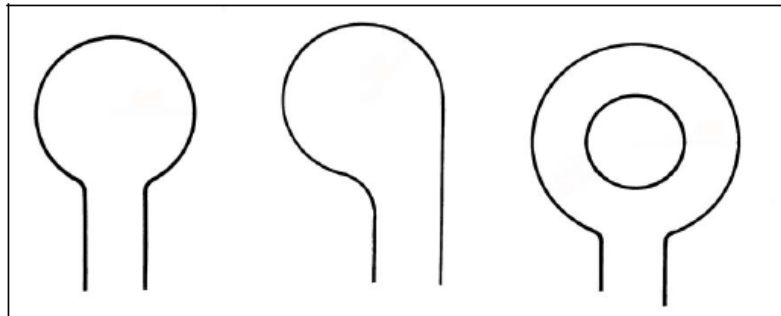
C. Existing Access - Existing private roads or rights-of-way proposed to provide access to a subdivision and/or land development shall meet all the requirements of this section or shall otherwise be improved to such standards.

D. Street Continuation - Residential streets shall be planned to discourage through traffic; however, the arrangement of streets wherever possible shall provide for continuation of existing or platted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.

E. Subdivision and Street Names - Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Street names shall be named in accord with Township requirements. Four way street name signs of a design approved by the Township shall be installed by the developer at his expense at each street intersection.

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- F. Further Subdivision - If lots resulting from original subdivision are large enough to permit re-subdivision, or if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary. At least one right-of-way shall be reserved for each one thousand six hundred (1,600) feet of frontage on a public road or on a collector street within the subdivision in order to provide access to undeveloped land.
- G. Cul-de-sac Streets - Cul-de-sac streets shall be permitted only in cases where the property configuration does not permit the logical use of continuous streets, and the Township shall have the right to deny the use of cul-de-sac streets in cases where the Township determines that the use of continuous streets is practical. Cul-de-sac streets, where permitted, shall meet the following design regulations:
- (1) Dead-end streets are prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties.
  - (2) Any temporary dead end street, if no longer than two-hundred (200) feet or fronted by existing lots, shall be provided with a temporary allweather turnaround within the subdivision with a surfaced area equal in diameter to the right-of-way width at the street, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.
  - (3) Cul-de-sac streets, permanently designed as such, shall not serve more than twenty-five (25) lots.
  - (4) All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a circular right-of-way with a minimum outside radius of sixty (60) feet and the outer pavement edge or curb line shall have a minimum radius of fifty (50) feet and be improved to the required construction specifications. Other turn-around designs may be approved by the Township in the case of roads serving not more than 15 lots. Intermittent turnarounds shall also meet these requirements.
  - (5) The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet.



Cul-de-sac Turnarounds

- H. Private Access Drives - Private access drives may be used to provide access to not more than three (3) lots that cannot legally be further subdivided or improved with more than one (1) dwelling unit per lot, except in full accord with Township requirements.
- (1) The private access drive serves no more than three (3) lots, including a lot fronting on the abutting street; and shall not exceed eight hundred (800) feet in length.
  - (2) Design standards for Private Access Drives shall conform to Table IV-1.
  - (3) If there is a potential for subdivision or development of any of the lots created such that eventually more than three (3) lots and/or dwelling units might result, the subdivider shall provide additional right-of-way width as necessary to serve the maximum potential number of lots/dwelling units. Cartway and travelway widths may remain the same until such time as additional lots are platted or units proposed, at which time all development and street standards applicable to a major subdivision shall apply.
  - (4) Private access drive entrances and aprons within the adjoining street right-of-way shall be installed by the Developer as required in this Ordinance. Construction of the remaining length of the private access drive and the turnaround shall be the responsibility of the buyer or buyers of the served lot or lots; and, no building permit shall be issued until the private access drive is constructed or guaranteed in accord with Article III of this Ordinance. The private access drive shall not under any circumstances be offered to the local municipality as a municipal street. The Applicant shall agree to the terms of this section, in writing, and a covenant such as follows shall be placed on the final plan and the deed of conveyance clearly assigning responsibility for construction and maintenance of the private access drive and turnaround, establishing its future private ownership status, and noting the condition of a building permit issuance: *The construction and maintenance of the private access drive and turnaround shall be the*

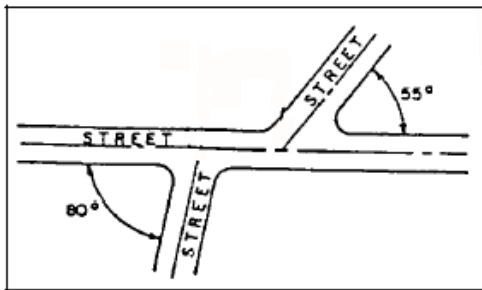
**ARTICLE IV - DESIGN STANDARDS**  
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*responsibility of the owner(s) of the lots served by the drive. No building permit shall be issued for any improvements on lots served by the drive until such time as the drive and turnaround is constructed. The private access drive shall remain private and shall not be offered for dedication as a public street.*

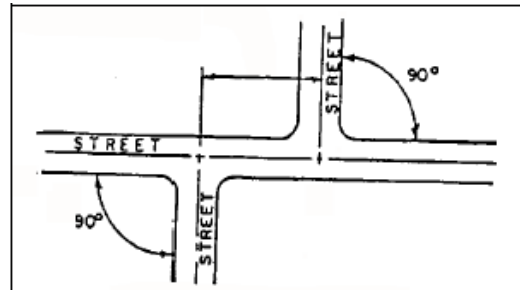
- (5) A leveling area not exceeding four (4) percent in grade and not less than forty (40) feet in length shall be provided where the private access drive intersects with the right-of-way of the adjoining street.
- (6) Storm water management and soil erosion and sedimentation control shall be addressed in accord with this Ordinance.
- (7) A private access drive shall not be permitted to intersect the through street where the tangent grade of the through street at the point of intersection of the centerlines of the two streets exceeds eight (8) percent for the private access drive intersection.
- (8) A private access drive serving more than one (1) lot shall be provided with a T- or Y-shaped turnaround, with a length of sixty (60) feet and a width of twenty (20) feet improved to the required construction specifications.

**I. Intersections**

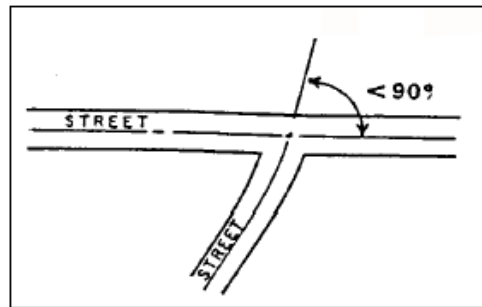
- (1) Centerlines of streets shall intersect as nearly at right angles as possible or radial to street lines.
  - (a) Any centerline angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Township based upon a written request by the Developer.
  - (b) Centerline angles of less than sixty (60) degrees shall not be approved under any condition.



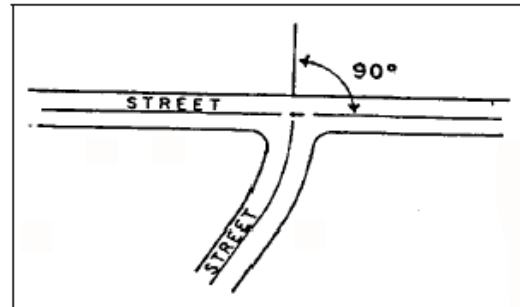
Unacceptable Street Intersection Design



Acceptable Street Intersection Design



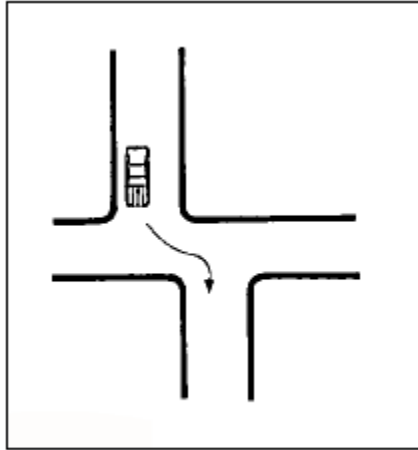
Unacceptable Street Intersection Design



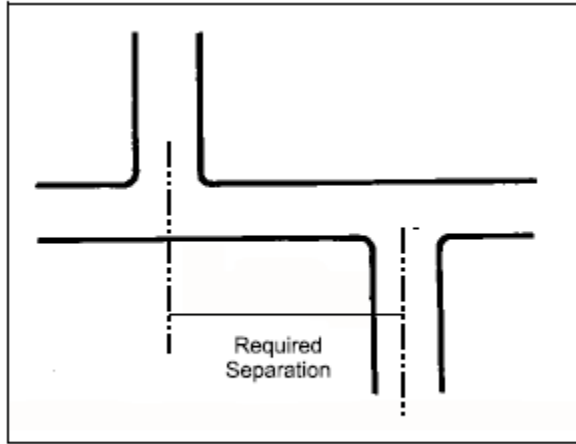
Acceptable Street Intersection Design

- (2) Intersections of more than two (2) streets at one (1) point are not permitted.
- (3) Where streets intersect other streets entering opposite sides of another street the streets shall be laid out directly opposite each other, or the minimum offset or distance between centerlines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows (as measured from centerline to centerline):
  - (a) One hundred twenty-five (125) feet for minor streets and private access drives.
  - (b) Four hundred (400) feet for all other streets.

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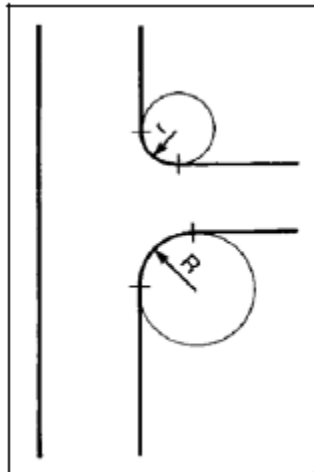


*Corner Cutting*



*Required Centerline Separation*

- (4) The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) feet for minor streets or streets of lesser classification and thirty (30) feet for collector streets and major traffic streets.



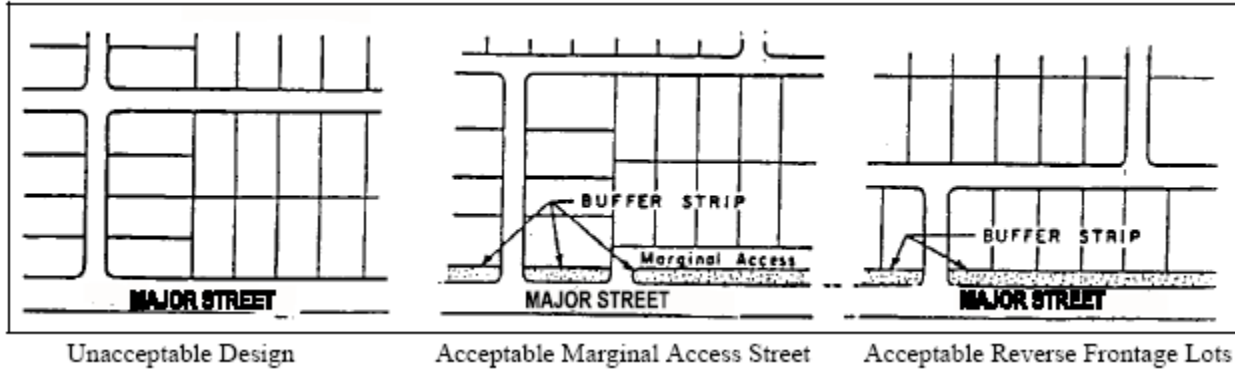
*Cartway Edge Arc*

- (5) In cases where a subdivision road intersects with a local municipal road, the subdivision road, whether proposed for dedication or to remain private, shall be paved in accord with the requirements of the local municipal Road Dedication Ordinance for the applicable class of road for a distance not less than fifty (50) feet from the edge of the municipal road right-of-way.

**J. Street Frontage**

- (1) Service Streets - Where a subdivision and/or land development abuts or contains an existing or proposed collector street or major traffic street, the Township may require marginal access streets or reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in number of intersections with the collector major traffic street and separation of local and through traffic.

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- (2) Controlled Access - Entrances and exits to developments shall be designed as to minimize interference with through traffic.
  - (3) Protection of Grade Separation - Entrance and exit points to proposed developments shall not be located closer than two hundred (200) feet to the end of any interchange ramp.
  - (4) Setback Line - Unless otherwise regulated by appropriate ordinances, all buildings shall be set back not less than forty (40) feet from the right-of-way line fronting on major highways.
  - (5) Residential Blocks - Residential blocks shall have a maximum length of twelve hundred (1,200) feet. In design of blocks longer than eight hundred (800) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- K. Street Right-of-Way, Travelway, Shoulder Widths, and Cross Sections - Street right-of-way, travelway and shoulder widths shall be provided to the minimum standards provided in Table IV-1. In cases where a local municipality has adopted street specifications which are more stringent than the requirements of this Ordinance such local municipal requirements shall apply.
- (1) Shoulder surfaces shall be graded at a slope one-half (0.5) inch per foot away from the pavement edge.
  - (2) The finished paved travelway surface of tangent sections and curve sections not required to be super-elevated shall be crowned at one-quarter (0.25) inch per foot away from the centerline.
  - (3) Properly super-elevated cross-sections shall be required on collector streets in accord with most current AASHTO requirements. The maximum permissible superelevation shall be 0.08 feet per foot.
- L. Easements - Easements for utilities shall be provided and shall conform in width and alignment to the recommendations of the appropriate utility company unless this Ordinance requires a greater width. Easements shall also be provided for all storm water drainage ditches, sewers, and watercourses. All easements shall be shown on the Preliminary and Final Plan, and the Township or its agents shall have the right to enforce the restrictive easements relative to the water supply and sewage disposal in the event that the developer and/or lot owners fail, or are unable to do so.
- (1) Access Easements
    - (a) Access easements shall be shown and labeled on the plans to indicate the purpose, easement users and the rights of said users.
    - (b) No access easement shall be a part of any lot, but shall be a separate area designed with the express purpose of access to a particular site or facility.
    - (c) Ownership and maintenance responsibility shall be noted on the plan for each easement.
  - (2) Utility Easements
    - (a) Utility easements shall be a minimum of twelve (12) feet in width and shall be provided along all street rights-of-way in addition to the required street right-of-way width.
    - (b) All existing and proposed utility easements shall be shown and labeled on the plan and included in the restrictive covenants as appropriate.

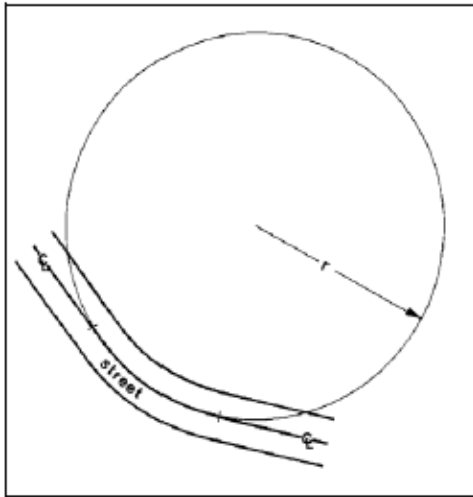


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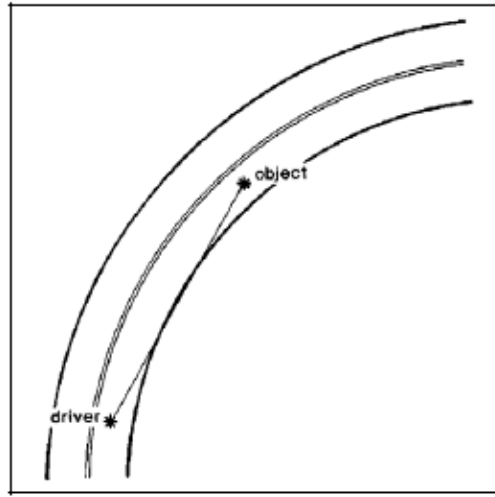
- (c) Prior to the approval of the final plan, a review by the utility companies serving the development shall be given fifteen (15) days to review the location and width of the proposed utility easements.
- (d) The Developer shall be responsible for compliance with any applicable regulations of the Pennsylvania Public Utility Commission.

M. Street Alignment - Street alignment shall be designed as follows:

- (1) Whenever street lines are deflected in excess of seven and one half (7 ½) degrees, connection shall be made by horizontal curves.



Horizontal Curves - the radius of the circle formed by the centerline of the curve.



Horizontal Curves - sight distance limited by sharpness, or radius, of the curve.

- (2) Streets shall be designed so that there will be unobstructed sight distances along the centerline thereof as set forth in Table IV-1.
  - (a) Sight distances shall be measured from the driver's eye at 3.75 feet above the road surface to a point 0.5 feet above the road surface.
  - (b) Sight distances at intersections shall be measured from the driver's eye at 3.75 feet above the road surface to a point fifteen (15) feet from the nearest edge of the travelway of the through road to a point 3.75 feet above the road surface of the through road.
- (3) Between curves the following minimum tangents shall be provided:
  - (a) One hundred (100) feet on collector streets.
  - (b) Fifty (50) feet on minor streets.

N. Street Grades - Street grades shall be designed as follows:

- (1) Centerline grades shall not exceed the grades set forth in Table IV-1.
- (2) The maximum grade across the turnaround on a dead end street shall not exceed four (4) percent.
- (3) To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one (1) percent.
- (4) To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1) percent.
- (5) A leveling area for all street intersections shall be provided as follows:
  - (a) The tangent grade of the through street at the point of intersection of the centerlines of the two streets shall not exceed eight (8) percent for minor street or minimum access drive intersections, and all other intersections shall comply with the grades as required on Table IV-1. Crest and sag vertical curves shall be provided as required below.

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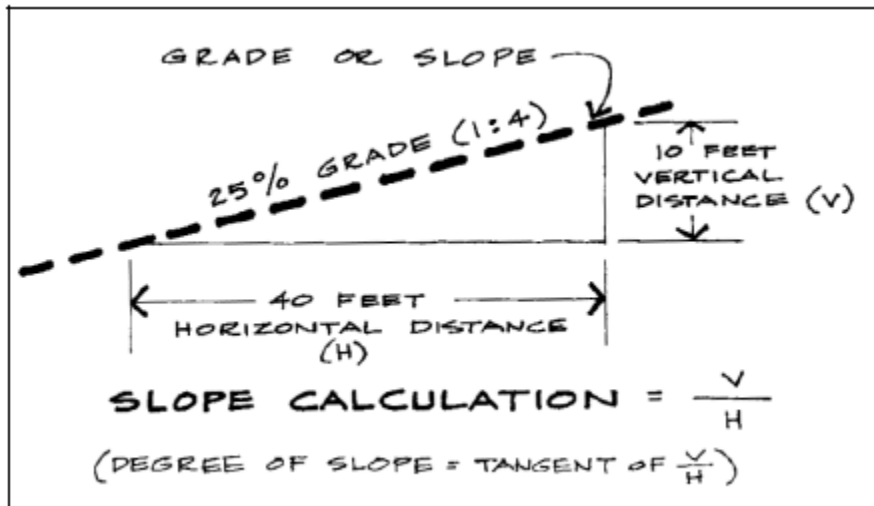
**TABLE IV-1**  
**DESIGN STANDARDS FOR STREETS**

Design Specification	Collector (b)	Minor	Local	Private Access (c) (d)
Number of dwelling units served	>200	26 – 200	25	3
<b>Cross Section Standards</b>				
Street right-of-way (feet) (a)	60	50	50	50
Additional Road Width (a)	As required for drainage, slope and utility easements			
Travelway width, feet	22	20	18	12
Shoulder width, each side, feet (e)	4	3	3	N/A
Cartway width, feet	30	26	24	N/A
Crown, feet/foot	0	0	0	0
Super-elevation, maximum, feet/foot	0	N/A	N/A	N/A
Shoulder slope, feet/foot	0.04 (f)	0.04 (f)	0.04 (f)	N/A
Clear zone width, feet	Per PaDOT Design Manual, Part 2, Chapter 12		10	N/A
<b>Geometric Standards</b>				
Grade, maximum, percent	7	12	12	14
Grade, minimum, percent	1	1	1	1
Center line radius, minimum, feet	750	475	250	75
Stopping sight distance, minimum, feet	425	305	200	100
Tangent between reverse curves, minimum, feet	100	50	N/A	N/A
Vertical curves	See §100-26.O			
Swale grade, minimum, percent	2	2	2	2
<b>Residential Subdivisions and Land Developments</b>				
<b>Travelway Cross Section</b>				
	<b>Minimum Depths</b>			
<b>Material (g)</b>	Collector	Minor	Local	Private Access (i)
<b>Surface Course Options</b>				
<b>Option 1 - Aggregate Surface</b>				
2A Coarse Aggregate (h)	8	8	8	6
<b>Option 2 - Bituminous Surface / Base</b>				
ID-2 Wearing	2	2	2	N/A
Bituminous Concrete Base Course (BCBC)	5	5	5	N/A
<b>Sub-base Course Requirement</b>				
Sub-base (No. 2-A)	8	6	6	4
<b>Sub-grade Course Requirement</b>				
Sub-grade Course Requirement	See §100-26.U			
<b>Shoulder Requirement</b>				
2A Coarse Aggregate (h)	6	6	6	N/A
<b>Commercial and Industrial Subdivisions and Land Developments</b>				
<b>Travelway Cross Section</b>				
<b>Course</b>	<b>Material (g)</b>			<b>Minimum Depth</b>
Bituminous Surface	ID-2 Wearing			2
Bituminous Base	Bituminous Concrete Base Course (BCBC)			5
Sub-base	Subbase (No. 2A)			8
Sub-grade	See §100-26.U			
Shoulders	2A Coarse Aggregate (h)			6
<b>Notes:</b>				
<p>a. Right-of-way width does not include slope, drainage, or utility easements. Additional road width and cartway widths may be required by the Township to provide for additional construction requirements such as cuts, fills and embankment areas, or to lessen traffic congestion, to secure safety from fire, panic, or other dangers, to facilitate the adequate provision for transportation and other public requirements and to promote the general welfare. Or, in cases where topography or other physical conditions make a street required width impractical, the Township may modify the above requirements.</p> <p>b. Collector standards apply to all commercial and industrial subdivisions and land developments.</p> <p>c. See also 603.7.</p> <p>d. Curbs not permitted.</p> <p>e. If curbs are provided, shoulders shall not be provided.</p> <p>f. Up to 0.06 where warranted.</p> <p>g. All material shall meet PaDOT specifications, Publication 408, latest edition.</p> <p>h. 2A Coarse Aggregate = Coarse aggregate treated with PaDOT approved oil for dust control at the application rate specified by PaDOT.</p> <p>i. Not eligible for dedication.</p>				

## ARTICLE IV - DESIGN STANDARDS

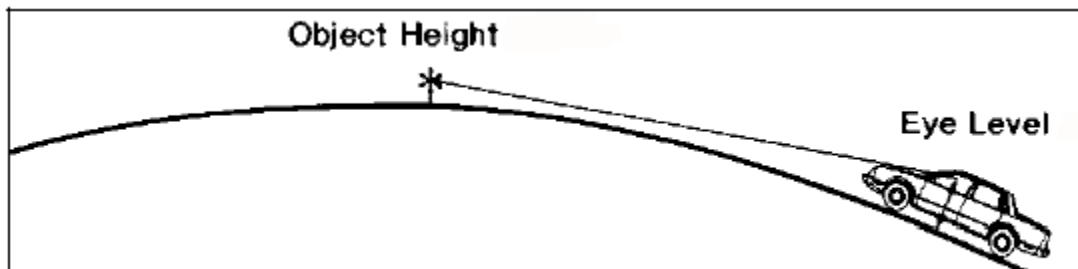
### Herrick Township Subdivision and Land Development Ordinance - 2024

- (b) The tangent grade of the connecting street(s) shall not exceed four (4) percent within twenty-five (25) feet of the right-of-way lines of the through street. Crest and sag vertical curves shall be provided as required below. The point of vertical curvature or tangency shall not be within the through street right-of-way.



- O. Vertical Curves - Vertical curves shall be used at changes of grade exceeding one (1) percent and shall be designed as follows:

- (1) Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as set forth in Table IV-1.

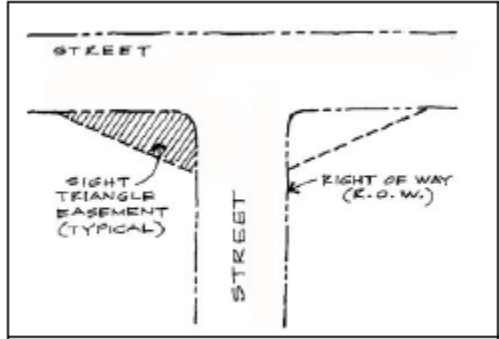


Sight Distance - on crest of hill (vertical curve).

- (2) On minor and private access streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of seventyfive (75) feet. (Example: 5% = 75' v.c.; 5.1% to 6% = 90' v.c.; etc.)
- (3) On collector streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one (1) percent algebraic difference in tangent grade with an absolute minimum length of one hundred (100) feet. (Example: 4% = 100' v.c.; 4.1% to 5% = 125' v.c.; etc.)
- (4) The following vertical curve information shall be shown on the street profiles:
- Length of vertical curve.
  - Elevation and stationing of the Vertical Point of Intersection, Vertical Point of Curvature, Vertical Point of Tangency, and Middle Offset.
  - Street grades.
  - Sight distances.

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- P. Clear Sight Triangles - At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the centerline grades of the intersection streets. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan reference, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision. Such triangular area shall be determined by the triangle formed by the street lot lines of the lot and a line drawn between points along the right-of-way lines fifty (50) feet distant from their points of intersection unless site conditions or the local or state highway occupancy dictates a greater requirement..



Clear Sight Triangle

- Q. Residential Driveways - This section shall apply to lots in subdivisions approved after the effective date of this Ordinance. Driveways proposed for pre-existing lots and non-residential driveways shall be governed by other applicable municipal and State requirements. Residential driveways shall comply with the following standards:

- (1) Driveways shall not be permitted to have direct access to public streets unless authorized by the municipality or the Pennsylvania Department of Transportation, as applicable, via issuance of a highway occupancy permit.
- (2) Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
- (3) Where new roads are proposed, future driveways that are to be constructed adjacent to a street intersection shall be shown on the preliminary and final plans and a note shall be included on the plan restricting the driveways to the locations shown.
- (4) The minimum distance between a driveway or point of access and the nearest intersecting street shall be as follows:

Minimum distance between center-lines of driveway and nearest intersecting road by type of intersecting road		
Major Traffic Street	Collector	Minor & Private Access
100 feet	75 feet	40 feet

The nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

- (5) A leveling area not exceeding four (4) percent in grade and not less than twenty-five (25) feet in length shall be provided where a driveway intersects with the right-of-way of the adjoining road.
  - (6) Adequate provision shall be made for parallel drainage facilities.
- R. Bridges and Stream Crossings - Bridges and other stream crossing structures, which are part of the proposed street system, shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for an H20 loading. Evidence of compliance with any state or federal requirements shall be provided. At a minimum, the width of the bridge or stream crossing shall be equal to the cartway width of the roadway carried by the bridge or stream crossing.
- S. Clearing and Grubbing - The right-of-way for all collector, minor and minimum access roads shall be cleared and grubbed only to the extent necessary to provide the required road cartway, cuts and fills, and associated drainage facilities.
- (1) All trees, stumps, roots and other material deemed unsuitable by the Township shall be removed from the grading area.

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- (2) Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.
- (3) Rocks greater than twelve (12) inches in diameter shall be removed to a minimum depth of six (6) inches below the finish sub-grade.
- (4) All cleared and grubbed areas shall be inspected and approved by the Township prior to the cut and fill operations.

T. Cuts and Fills - All cuts and fills shall be constructed as follows:

- (1) The maximum slope of any earth embankment or excavation shall not exceed one (1) foot vertical to two (2) feet horizontal unless stabilized by a retaining wall or cribbing, except as approved by the Township for special conditions.
- (2) The maximum slope of any rock excavation shall not exceed four (4) feet vertical to one (1) foot horizontal.
- (3) All excavations and embankments shall have a slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
- (4) All embankments shall be compacted to the satisfaction of the Township.
- (5) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills.
- (6) Cuts and fills shall not endanger adjoining property.
- (7) Fills shall be placed in lifts and compacted in accord with specifications of PA DOT Publication 408, latest edition, to minimize sliding or erosion of the soil.
- (8) Fills shall not encroach on natural watercourses or constructed channels, and fills placed adjacent to such natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- (9) Grading shall be done in a manner so as not to divert water onto the property of another landowner without the written consent of the landowner provided it complies with all other requirements of this Ordinance and is approved by the Township.
- (10) During grading operations, necessary measures for dust control shall be exercised.
- (11) Grading equipment shall not be allowed to cross streams without proper permits and adequate provisions shall be made for the installation of culverts and bridges.

U. Sub-Grade, Base and Surface

- (1) Sub-grade
  - (a) The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
  - (b) Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
  - (c) Unsuitable soils, as identified by the Project Engineer and confirmed by the Township Engineer, shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads. If construction of a road bed in such locations and particularly on soils identified in the Susquehanna County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.
- (2) Subbase and base course aggregate material shall conform in type and be compacted to the depths shown in Table IV-1 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408)
- (3) The bituminous surface course shall conform in type and be compacted to the depths shown in Table IV-1 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408)
- (4) Shoulders shall be constructed of the material and compacted to the width and depth shown in Table IV-1 of this Ordinance.

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V. Walls, Slopes, and Guiderails

- (1) Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township to support the street or the adjacent land, as the case may be.
- (2) Guiderails shall be installed in accord with most current PA DOT specifications.

W. Curbs, Gutters, and Swales

- (1) Minimum curb or pavement edge radii at street intersections shall equal that required for the cartway edge.
- (2) Where curbs exist on abutting properties, their extension shall ordinarily be required throughout the proposed subdivision.
- (3) Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.
- (4) Curbs shall be constructed in accord with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards.
- (5) If gutters are provided, they shall be in conformance with good engineering practice and subject to the approval of the Township's Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and paving may be required if runoff velocities exceed 5.0 fps when calculated in accordance with PA DOT Manual, Part 2. Swales shall be triangular or parabolic in design to facilitate maintenance and the invert of the swale shall be below the subbase course to prevent saturation of the roadway. Swales shall be deep enough to accommodate driveway and other culverts.
- (6) Velocity calculation shall be placed on the centerline profile drawings, or shall be submitted separately with the profiles.

X. Sidewalks; Crosswalks - Sidewalks and street cross walks may be required where necessary to provide proper pedestrian circulation or to provide access to community facilities and common areas. Sidewalks, where required or provided, shall be located within the street right-of-way immediately adjacent to the curbs, except as may be approved by the Township to accommodate street trees or other landscaping. Sidewalks and street cross shall be constructed in accord with the most current Pennsylvania Uniform Construction Code and Americans With Disabilities Act standards.

Y. Parking On Streets - Off-street parking for all uses shall be provided in accord with the Herrick Township Zoning Ordinance, and streets shall not be designed to accommodate on-street parking.

Z. Driveway and Cross Drainage - At each point where a street is intersected by a driveway that requires surface drainage water to be carried under the driveway at the intersection, the driveway shall be graded or a culvert pipe shall be installed across the width of the driveway to meet the drainage requirements of this Ordinance. Such cross drains as may be necessary shall also be installed under the street in accord with the drainage plan. Pipes shall be installed at such depth and in such manner as dictated by the site; and, no pipe shall be installed that is less than fifteen (15) inches in diameter.

AA. Street, Parking Area and Building Lighting - Street lights may be required when considered necessary by the Township and shall be of such design and spacing as required by the Township specifications. A lighting plan shall be provided by the Developer for all subdivisions and land development and shall include details for lighting of streets, parking areas and buildings. Street lights shall be required for all major subdivisions unless the Developer documents that such lighting is not necessary and a modification is granted by the Township. All lighting shall comply with the standards of this ordinance and the Illuminating Engineering Society (IES) of North America.

BB. Traffic Signs and Signals - Traffic signs and traffic signals shall be required when considered necessary by the Township to ensure safe traffic or pedestrian circulation. All traffic signs and signals shall meet the most current requirements of PA DOT. In the case of traffic signals, the Developer, any subsequent owner, or any subsequent Property Owners Association or similar entity shall be responsible for the long term operation, maintenance, and replacement of the traffic signal and all associated facilities, signs, and pavement markings.

CC. Road Striping - All roads constructed or improved as part of any subdivision or land development shall be striped in accord with the most current PennDOT requirements.

**§ 150-27 Markers**

Markers shall be placed so that the center or scored or marked point shall coincide exactly with the intersection of the lines being marked and shall conform to the following:

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- A. All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.
- B. Lot markers shall consist of:
  - (1) Solid steel rods not less than one-half (1/2) inch in diameter and not less than twenty-four (24) inches in length.
  - (2) Steel pipes not less than three-quarters (3/4) inch in diameter and not less than twenty-four (24) inches in length.
  - (3) Such markers as are currently accepted and used by Registered Professional Land Surveyors.
  - (4) Such other markers as the Township may approve.
- C. Markers shall be set flush to the ground or set to extend at least six (6) inches above the finish grade of the surrounding ground.
- D. Markers shall not be placed until road grading has been completed.
- E. Lot markers shall be placed as follows: At all points where lot lines intersect street right-of-way lines.
  - (1) At all points where lot lines intersect exterior property lines.
  - (2) At all interior lot corners.
  - (3) At such other lot corners and locations as the Township may direct.

**§ 150-28 Stormwater and Drainage Control**

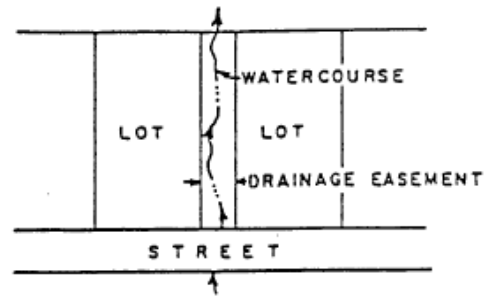
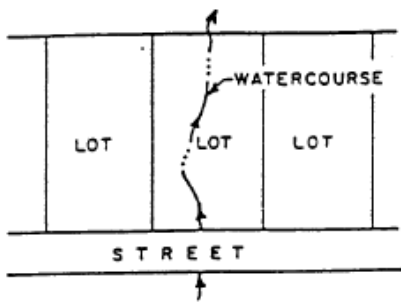
- A. Purpose and Stormwater Management Ordinance
  - (1) Generally - The purpose of this section is to provide for the management of the quantity, velocity and direction of stormwater flow to provide protection to downstream property owners, to control soil erosion and sedimentation and to protect the public general health, safety and welfare.
  - (2) Storm Water Management Plans - Should Herrick Township adopt a special purpose ordinance governing stormwater management in accord with a watershed management plan approved by the PA Department of Environmental Protection under the terms of the Stormwater Management Act, the requirements of such ordinance shall apply to developments in that watershed in addition to the requirements of this Ordinance. In cases where two standards conflict, the more restrictive shall apply.
- B. Plan - A stormwater drainage and management plan shall be required for all major subdivisions and all land developments (except Minor Residential Land Developments) and shall be subject to the approval of the Township and Planning Commission Engineer. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the Planning Committee at the time of subdivision or land development plan submission. Construction materials shall comply with the latest PennDOT Publication 408 standards and the applicable PennDOT RC standards for construction.
- C. Compliance with State Regulations - The Plan shall meet the intent of §13 of the Pennsylvania Stormwater Management Act and other applicable regulations to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or, the quality, velocity and direction of stormwater is managed in a manner which otherwise adequately protects health and property from possible injury. Said Plan shall comply with all Pennsylvania Department of Transportation requirements.
- D. Design Criteria
  - (1) The basic goal of the stormwater management plan shall be to maximize the on-site infiltration of stormwater and minimize the overall volume of stormwater leaving the property after development, and the plan shall incorporate best management practices to achieve this goal.
  - (2) Stormwater management facilities shall be designed for a storm frequency of two (2), five (5) and ten (10) years, using generally accepted engineering principles appropriate for the proposed site and development. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a 100 year storm without facility failure. In general, the soil cover complex method (Natural Resource Conservation Service method) or the rational method shall be used to determine peak discharge and estimated runoff.

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- (3) In cases where detention of stormwater is proposed, the post-development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed. The calculation of post development discharge shall, in addition to areas disturbed during development, include the estimated effect of all runoff expected from driveways, buildings, walkways, parking areas and other impervious areas associated with the ultimate buildout of the subdivision or land development.
- (4) The Township shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Township Engineer, require that the proposed stormwater control facilities be designed to a twenty-five (25) year storm frequency and/or other more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

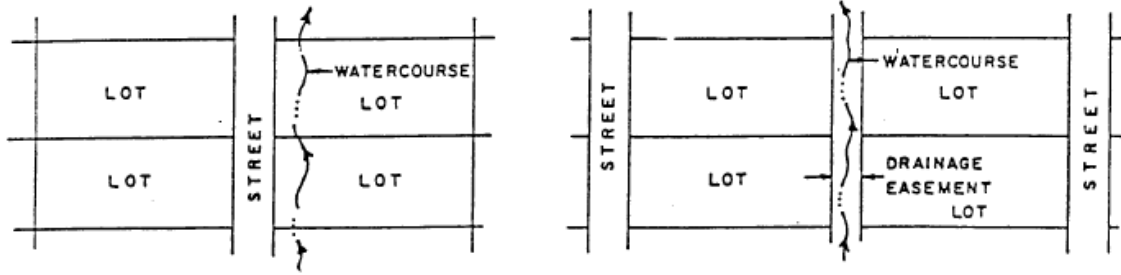
**E. Additional Requirements**

- (1) All proposed surface drainage structures shall be indicated on the drainage plan submitted with the subdivision or land development plan and shall be considered "improvements" for the purposes of final subdivision approval. Construction materials shall comply with the latest PennDOT Publication 408 standards.
- (2) Natural drainage courses and points of natural drainage discharge shall not be altered unless all necessary permits have been obtained.
- (3) Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
- (4) Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as determined by the Township adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.
- (5) Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of not less than twenty-five (25) feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- (6) All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- (7) In no case shall any pipe system of less than fifteen (15) inches be installed underneath a street or driveway, and all pipes shall be of a plastic, PVC, concrete or other material of an equal or greater useful life, meeting the requirements of PennDOT Publication 408, latest edition.
- (8) Drainage structures that are located on State Highway right-of-ways shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Township prior to final plan approval.
- (9) Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.
- (10) Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; (a total of twenty (20) feet for abutting lots) and adjacent to street rights-of-way as required by the stormwater drainage and management plan.





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(11) Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.

**F. Maintenance of Stormwater Control Facilities**

- (1) Maintenance of stormwater control facilities, including easements between lots, shall be the responsibility of the owner of said facilities. A legally binding agreement may be required between the owner and the Township to provide for such maintenance and providing for inspections by the Township.
- (2) In cases where a property owners association is created for the ownership, operation and maintenance of common facilities such property owners association shall be responsible for the maintenance of stormwater control facilities and such maintenance shall be established in the deed covenants and restrictions.
- (3) When stormwater management control facilities are located on an individual lot, and when such facilities are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
- (4) If the Township determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner of the stormwater control facility shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Township may cause the work to be done and lien all costs against the property.

**§ 150-29 Soil Erosion and Sedimentation Controls**

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Susquehanna County Conservation District and PA DEP, as required. Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Protection regulations for soil erosion and sedimentation control. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Susquehanna County Conservation District. The Applicant shall submit the Plan to the Township at the time of preliminary plan application. Preliminary Plan approval shall not be granted by the Township until all required approvals are obtained from the Susquehanna County Conservation District.

**§ 150-30 Water Supply and Sewage Disposal**

**A. General Standards**

- (1) All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system; and the developer shall provide evidence documenting said adequacy.
- (2) In the case where a community water supply or community sewage disposal system is proposed, the applicant shall present evidence to the Township that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- (3) In the case where a community water supply or community sewage disposal system is proposed, one (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission (PA PUC) for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Protection and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.

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- (4) In the case of utilization of a publicly owned or other existing community water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
  - (5) All required Certificates of Convenience, approvals and permits shall be obtained by the developer and/or the utility owner as a condition of preliminary approval and shall be submitted with the final plan application.
  - (6) All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.
  - (7) All sewage disposal systems shall be consistent with the local municipal Sewage Facilities Plan.
- B. On-Site Water Supply - All onsite water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection. The requirement for the installation of onlot wells shall be noted on the development plan.
- C. Shared Water Supply - Shared water supply systems shall only be permitted to serve a minor (residential) land development or a non-residential land development and the standards in this section shall apply. In the case of non-residential land developments, the Township may, based on the nature and scale of development, apply any or all of the standards applicable to Community Water Supplies.
- (1) Well Capacity - The capacity of the well shall be certified by a licensed well driller to be adequate for the use proposed.
  - (2) Water Distribution System
    - (a) The system design shall follow good engineering practices and the requirements of the Pennsylvania Department of Environmental Protection. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of fifty (50) pounds per square inch at curb stops.
    - (b) Pipe classes shall be consistent with design pressures.
    - (c) Before being placed into service the system must be tested and disinfected by procedures established by Department of Environmental Protection.
    - (d) Service connections shall be a minimum of threefourths (3/4) inch diameter.
  - (3) Other Standards - All shared water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Protection and/or applicable local municipal or County Ordinances.
- D. Community Water Supply
- (1) Public Supply - If a community water system is proposed and an existing public or private community water supply exists within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the system owner, the PA PUC and the PA DEP; provided, the owner of the existing system agrees to such connection.
  - (2) Project Supply - If an approved public water supply is not accessible and water is to be furnished on a project basis, the subdivider shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all municipal, County and State regulations, and that the proposed system to be installed meets the requirements of the PA PUC, PA DEP, and any other applicable regulations.
  - (3) Deep Well Source
    - (a) Wells shall be sited, drilled and tested under the direct supervision of a Registered Professional Engineer and/or a Professional Ground Water Geologist.
    - (b) Wells shall be located away from potential source of pollution on a reserved parcel of not less than five thousand (5,000) square feet in size.
    - (c) The capacity of the well(s), as certified by a professional engineer or ground water geologist in accord with 607.4.3,A shall be sufficient to produce at least one hundred ten (110) gallons per capita per day and/or four hundred (400) gallons per day

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for each residential dwelling unit to be served. Adequate capacity of any well(s) to service industrial or commercial establishments shall be documented by the Applicant to the satisfaction of the Township and the Township Engineer.

- (d) Wells shall be pump tested utilizing a controlled stepdraw down test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.
- (e) Well construction shall be consistent with generally accepted practice and the guidelines of the PA Department of Environmental Protection.
- (f) Documentation of the effect of the projected area-wide draw down of the water table may be required by the Township if the anticipated pumping of ground water warrants such documentation.

(4) Water Distribution System

- (a) The system design shall follow good engineering practice and the requirements of the PA DEP and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of twenty-five (25) pounds per square inch at curb stops.
- (b) Pipe classes shall be consistent with design pressures.
- (c) Before being placed into service, the system must be tested and disinfected by procedures established by Department of Environmental Protection.
- (d) The proposed utility shall provide for adequate flow of water for the subdivision supplied, by interconnecting two or more wells or by providing storage for a minimum of one (1) day's demand.
- (e) Service connections shall be a minimum of threefourths (3/4) inch diameter.

(5) Flow Rates

- (a) Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
- (b) Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.
- (c) Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters.

E. On-Lot Sewage Disposal

- (1) Standards - All onsite sewage disposal systems shall comply with the applicable PA DEP standards, the local municipal Sewage Facilities Ordinance and all other applicable standards.
- (2) Site Suitability - All residential lots in developments proposing the use of onsite sewage disposal shall contain an area suitable for such a disposal system, with such areas indicated on the plan.

F. Community Sewage Disposal System - In addition to the following standards, the local municipal Sewage Facilities Ordinance shall govern all community sewage disposal facilities, as defined by the said Ordinance.

- (1) Public Sewage Disposal - If a community sewage disposal system is proposed and an existing public sewage disposal system or an existing private sewage disposal system identified as a "regional system" by the local municipal Sewage Facilities Plan" is within one-thousand (1,000) feet of the proposed development, said development shall connect to such system in accord with the requirements of the local municipal Sewage Facilities Plan, the system owner, the PA PUC and the PA DEP.
- (2) Project System - If an approved sewage disposal system is not accessible and sewage disposal is to be furnished on a project basis, the subdivider shall, upon submission of the subdivision or land development plan, submit written evidence that he has complied with all local municipal, County, and State regulations, and that the proposed system to be installed meets the requirements of the Pennsylvania Department of Environmental Protection and any other applicable regulations.

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- (a) All community sewage disposal systems shall be consistent with the sewage feasibility studies and plans of Herrick Township.
- (b) All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of PA DEP
- (c) All community sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Township may also require that any community sewage disposal system be designed and constructed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those costs associated with their individual development.
- (d) All community sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA DEP standards; and, a suitable replacement area for the effluent disposal area shall be provided.

**§ 150-31 Utilities**

All utility lines required to service any major subdivision shall be installed underground within the street right-of-way or easements as shown on the approved plan, and shall be planned in cooperation with the respective utility companies and shall comply with all Pennsylvania Public Utility Commission requirements. A letter shall accompany the subdivision or land development plan stating that the utility plan has been reviewed by the applicable utility company and that such plan is approved and that service will be available. Underground installation shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

**§ 150-32 Wetlands**

The intent of this section is not to supersede state or federal wetlands regulations, or to overrule any determination made by state or federal agencies. Instead, it is the intended to further facilitate the actual identification and delineation of wetlands where such identification and delineation is warranted for particular development projects. In general, wetlands shall be shown on the plan as shown on USGS topographic maps and the Wetlands Inventory Maps published by the US Fish and Wildlife Service. A detailed, site-specific wetland delineation made by an individual or firm deemed qualified by the Township may be required. A certification of the delineation by the US Fish and Wildlife Service, US Army Corps of Engineers and/or PA DEP may also be required.

Said delineation shall be conducted by a person and/or firm meeting the approval of the Township, as the case may be; or a certification from the appropriate state and/or federal agency may be required by the Township. If any state or federal permit is required as part of the development process, said permit shall be submitted to the Township along with the subdivision or land development application.

**§ 150-33 Seasonal Development**

All cottages and hunting camp developments and campsites, campgrounds, and recreational vehicle park developments where lots are sold, leased or rented, or other such seasonal-recreational, recreational, or seasonal developments shall be considered residential subdivisions and shall be subject to standards as specified in Article VI applicable to residential subdivisions including those standards for minimum lot sizes. Campground and recreational vehicle park developments where campers are licensees shall be subject to the regulations set forth in Article VIII.

**ARTICLE V - COMMERCIAL AND INDUSTRIAL LAND DEVELOPMENT**  
**Herrick Township Subdivision and Land Development Ordinance - 2024**

**§ 150-34 Commercial and Industrial Subdivision and Land Developments**

All commercial and industrial subdivisions and land developments shall comply with the applicable requirements of this Ordinance unless otherwise specified in this Article VII, and the Herrick Township Zoning Ordinance shall also apply. In addition, the following shall apply:

**§ 150-35 Site Standards**

- A. The site, when developed, shall be served by an approved water supply system and an approved sanitary sewer system
- B. Adequate storm drainage facilities shall be provided. Where applicable, detention basins or other stormwater control methods may be required by the Commission.

**§ 150-36 General Design**

Commercial and industrial development areas shall be designed in accordance with the Herrick Township Zoning Ordinance and with consideration of site conditions to insure:

- A. Desirable land utilization and aesthetics.
- B. Convenient traffic circulation and parking.
- C. Adequate service, delivery and pickup.
- D. Design coordination with adjacent parcels of land.
- E. Fire escapes, when required, shall be in the rear of the building and shall not be located on any wall facing a street unless any building, fire or other code so requires.
- F. Developers are strongly encouraged to consider the character, attractiveness, safety and traffic patterns of the area when designing non-residential developments. This is intended to promote optimal use of the land, provide for safe pedestrian traffic as well as vehicular traffic, encourage a sense of community pride in the development, encourage additional commercial growth, and in general benefit the public health, safety and welfare. The developer shall provide drawings that illustrate the final design of the development, and should be willing to discuss any suggestions made by the Township to further the intent of this section.

**§ 150-37 Lots and Block Layout**

- A. Lots and Density - All developments proposed for commercial or industrial use shall conform to the provisions of this section.
  - (1) Lot sizes, lot dimensions, and building setbacks shall be governed by the Herrick Township Zoning Ordinance.
  - (2) Commercial and industrial lots shall be of sufficient area, width and depth to accommodate the proposed land use and all required improvements.
  - (3) Building set-backs shall be required as follows:
    - Front - measured from the road right-of-way – 40 feet
    - Rear –30 feet
    - Sides –30 feet
  - (4) Division of lots by municipal boundaries shall be avoided.
  - (5) All lots shall front on an approved street. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the public right-of-way line.
  - (6) All side lines of lots shall be as near as possible at right angles to straight street lines and radial to curved street lines.
  - (7) Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.
  - (8) In order to minimize the number of driveways to a public road, interior streets or a common driveway between two (2) lots may be required whenever four (4) lots of an average of less than three hundred (300) feet width at the street line are proposed along one (1) side of any improved primary or secondary road.

**ARTICLE V - COMMERCIAL AND INDUSTRIAL LAND DEVELOPMENT**  
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- (9) All lands in a subdivision shall be included in platted lots, roads, common areas and other improvements; and no remnants of land or reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be permitted.
- (10) Lots shall be laid out to the edge of any newly proposed road right-of-way, and lot lines along existing public or private roads shall be maintained as they exist.
- (11) No corner lot shall have road frontage of less than one hundred fifty (150) feet.
- (12) All corner lots if they are located at the intersection of the rights-of-way of two streets shall have a curve with a minimum radius of ten (10) feet adjoining the intersecting right-of-way lines.

**B. Blocks: Unified Development**

- (1) **Blocks** - Block layout shall be designed with due consideration of site conditions, with best possible service to customers, traffic and parking circulation, and pick-up and delivery services. In no case shall a block length be less than six-hundred (600) feet. Where safety considerations mandate, eight-hundred (800) feet may be required as a minimum.
- (2) **Unified Development** - Wherever possible, commercial and industrial parcels, shall include sufficient land to provide for a group of commercial and industrial establishments, planned, developed, and operated as a unit. In no case will narrow, highway strip developments be approved. Individual driveways shall not be permitted and interior service roads shall be required.

**§ 150-38 Streets/Roads**

Streets and roads in commercial and industrial developments shall, at a minimum, comply with the residential street requirements and shall be classified in accord with the definition of *street* in Article II.

**§ 150-39 Off-Street Parking and Loading, Access and Circulation**

- A. **Availability of Facilities** - Off-street parking, loading, and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way.
- B. **Size and Design of Parking Spaces** - Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards (such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook) and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. Each vehicle parking space shall be not less than ten (10) feet wide and twenty (20) feet long and adequate provision shall be made for parking of contractor's vehicles. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended.
- C. **Lighting** - Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.
- D. **Public Right-Of-Ways** - Parking, loading and unloading of vehicles shall not be permitted on public right-of-ways, except in designated areas and in accord with local municipal parking regulations. No parking area shall be designed which requires or encourages parked vehicles to be backed into a public street, except for single-family and two-family dwellings with access onto a local street or parking court.
- E. **Number of Spaces To Be Provided**
  - (1) Any structure or building which is hereafter erected, converted, or enlarged for any of the following uses, or any open area hereafter used for commercial or industrial purposes, shall be provided with off-street parking spaces adequate to serve such use but with not less than the minimum spaces, as set forth in the following Table, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
  - (2) For projects involving more than one use and/or structure the total number of parking spaces required shall be determined by summing the number of spaces for each individual use.
  - (3) Additional parking for the handicapped shall be provided as required by this Ordinance.
  - (4) Should the applicant provide evidence that the number of parking spaces required by this section is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a modification in accord with

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Article VII provided sufficient and suitable area is dedicated to future parking to meet the normal standards of this section and the applicant shall agree in writing to install the parking at the direction of the Township. Reserve parking areas shall be included in the calculation of lot coverage area for stormwater management calculations. Parking facilities used jointly by two (2) or more principal uses may be considered for a parking reduction.

TABLE V-1 PARKING STANDARDS	
Use	Parking Spaces Required
Note: SFGFA means "square feet of gross floor area". Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, or any space where the floor-to-ceiling height is less than six feet.	
A. Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
B. Hotels, motels, boarding and tourist homes, bed and breakfast establishments and other uses providing overnight accommodations	1.1 per bedroom
C. Sales and rental of goods, merchandise and equipment	
1. Retail establishments	1 per 200 SFGFA open to the public (drive thru facilities may require fewer spaces)
2. Wholesale establishments	1 per 800 SFGFA
3. Flea markets	1 per 200 square feet of lot area designated for display or sales
D. Offices, research facilities and services not primarily related to goods	
1. Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
2. Drive-in banks	1 per 200 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
3. Serving little or few customers or clients on premises, such as corporate offices	1 per 250 SFGFA
4. Funeral homes	1 per 100 SFGFA open to the public
E. Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 600 SFGFA
F. Educational, cultural, religious, social, fraternal uses	
1. Public schools	1.75 per classroom for elementary/middle schools; and 5 per classroom for high schools
2. Trade and vocational schools, collegess	1 per 100 SFGFA open to the public
3. Churches, synagogues and temples	1 per every 4 seats used for services
4. Libraries and museums	1 per 300 SFGFA open to the public
5. Social, fraternal clubs and lodges; and similar uses	1 per 100 SFGFA open to the public
G. Recreation, amusement and entertainment	
1. Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
2. Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
3. Public and private outdoor recreation facilities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA open to the public plus 1 per every 3 persons of fully utilized design capacity
4. Commercial water craft docking facilities, including such facilities at waterfront marinas	2 per every 3 slips
H. Hospitals, clinics and other medical treatment facilities	1 per bed or 1 per 200 SFGFA, whichever is greater
I. Restaurants, bars, taverns and other eating establishments	1 per 50 SFGFA open to the public plus reservoir lane capacity equal to 5 spaces per drive-in window
J. Vehicle related uses	
1. Sales, service, repair	1 per 250 SFGFA
2. Gas sales	1 per 250 SFGFA plus sufficient parking area at pumps which does not interfere with other required spaces
3. Car wash	1 per 100 SFGFA plus 2 reservoir spaces in front of each stall for self-serve and 5 reservoir spaces for conveyor type
K. Warehousing and storage	1 per 4,000 SFGFA
L. Miscellaneous uses	
1. Veterinary	1 per 200 SFGFA open to the public
2. Nursery schools and day care	1 per 150 SFGFA open to the public
3. Greenhouses	1 per 200 SFGFA open to the public
4. Emergency services	1 per 200 SFGFA open to the public
5. Junk and scrap yards	1 per 200 SFGFA open to the public
6. Post office	1 per 200 SFGFA open to the public

For uses not specifically provided above, the Township shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.

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F. Loading and Unloading Areas

- (1) Areas required - In addition to the required off-street parking spaces the developer of any building erected, converted or enlarged for commercial or industrial use to provide adequate off-street areas for loading and unloading of vehicles. The applicant shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following dimensions:

Minimum loading and unloading requirements		
Largest Type of Truck Service	Minimum Width	Minimum Length
Tractor trailer	12 feet	40 feet with 12 feet clear height
Trucks other than tractor trailers, pick-ups or vans	10 feet	25 feet
Pick-up truck or van	10 feet	20 feet

- (2) Parking and Loading Separation - Where possible, customer parking and circulation shall be separated from delivery service drives and loading and unloading areas.

G. Access To Off-Street Parking and Loading Areas - There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of welldefined separate or common entrances and exits and shall comply with the following provisions:

- (1) Width - Unless otherwise required by Penn DOT for access to a state road, the width of the driveway/access way onto a public street at the edge of the cartway shall be as follows and adequate radius shall be provided at the intersection:

Minimum access width requirements		
Width	1-Way Use	2-Way Use
Minimum	12 feet	20 feet
Maximum	35 feet	50 feet

(2) Controlled Access

- (a) Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- (b) Entrance and exit lanes shall be separated by dividers or planting islands when traffic volumes are expected to exceed twenty-five (25) vehicles per day.
- (c) Centerline of the driveway shall be a minimum of thirtyfive (35) feet from any side property line and sixty (60) feet if abutting a residential property.
- (d) Future driveways which are to be constructed adjacent to a street intersection shall be indicated on all plans and shall have the following distances between the centerline of the driveway and the right-of-way line of the nearest intersecting street or road: (Note - Nearest intersection street shall be construed as being on the same or the opposite side of the street on which the tract is located)

Minimum distance between center-lines of driveway and nearest intersecting road by type of intersecting road	
Type of Road	Width
Township/State Roads	300 feet
Collector Streets	200 feet
Minor/Marginal Access/Minimum Access Drives	150 feet
Other Driveways	75 feet

- (e) Curbing or other adequate barriers shall be installed along the remainder of the road frontage to restrict ingress and egress to the approved access point(s).



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- (f) In the case of commercial and industrial subdivisions, driveways to individual lots shall not be permitted to have direct access to any municipal, or State Road but shall be limited to interior roads.
  - (g) Grades on driveways shall not exceed eight (8) percent and a leveling area of sixty (60) feet in length with a grade not to exceed four (4) percent shall be provided for all driveways to connecting streets.
  - (3) Highway Occupancy Permit - A Township or State highway occupancy permit, as applicable, shall be required for any new or increased access to any public street or any other regulated activity within the right-of-way.
- H. Parking and Loading Area Setbacks - All parking and loading areas (not including parking decks) and parallel circulation and service lanes serving any commercial or industrial use shall be separated from any public road right-of-way or adjoining property lines by a buffer area not less than fifteen (15) feet in width unless adjoining uses share parking as provided herein.
- (1) Measurement - The width of the buffer shall be measured from the curb line or from the legal right-of-way line after development if no curbs will be provided.
  - (2) Uses Prohibited - The buffer area shall be maintained in natural vegetative ground cover and shall not include:
    - (a) Paving except for approved driveway/access way crossings
    - (b) Fences
    - (c) Parking, storage or display of vehicles
    - (d) Items for sale or rent
  - (3) Uses Permitted - The buffer area may include the following: (Also see Landscaping requirements.)
    - (a) Permitted freestanding signs
    - (b) Pervious storm water facilities
    - (c) Approved driveway/access way crossings
  - (4) Sidewalks - If sidewalks exist or will be provided, the buffer area may be provided between the sidewalk and the street or between the sidewalk and the parking area.
- I. Surfacing - Off-street parking areas and driveways/access ways shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface.
- J. Off-Lot Parking - Required parking may be provided on a different lot than on the lot on which the principal use is located, provided the parking is not more than four hundred (400) feet from the principal use lot. Off-lot parking areas shall be permitted only in a zoning district where the principal use is permitted. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.
- K. Joint Use Parking - In cases where two principal uses share a common property line, shared parking facilities may be utilized. The arrangement for joint-use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint-use parking area may span the common property line thereby eliminating the setback required. The standards for number of spaces to be provided shall apply to joint-use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten (10) percent of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)
- L. Landscaping - All non-residential improved off-street parking areas not entirely contained in a garage or building shall comply with the following landscaping standards:
- (1) Buffer Areas - The buffer area between the parking area and the public street shall be landscaped to a minimum of thirty (30) inches in height including vegetation; of which a minimum of fifty (50) percent shall be evergreen shrubbery; and shall average at least one shrub for every ten (10) feet of frontage. A similar planting shall be provided where a parking area abuts an existing residential structure. In cases where existing vegetation or topography achieve the intent of the this section, the requirements of this section may be waived as provided herein.

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- (2) Parking Lot Interiors - A minimum of five (5) percent of the interior of any parking lot having twenty-five (25) or more parking spaces shall be maintained with landscaping, including trees and shrubs in plots of at least sixty (60) square feet in area. One (1) deciduous tree with a trunk diameter of not less than one (1) inch measured at a height of one (1) foot above finished grade shall be provided for every three thousand (3,000) square feet of paved area. Trees and landscaping plots shall be so located to provide visual relief and sun and wind interruption within the parking area and to insure safe patterns of internal circulation. In no case shall more than fifteen (15) spaces be permitted in a continuous row without interruption by landscaping, and not more than sixty (60) spaces shall be permitted in one lot, said lots being separated by landscaping plots a minimum of four (4) feet in width.
- (3) Plants - Plant species shall be of a type proven suitable to local soil and climate conditions and which are resistant to disease, road salt and air pollution as determined by the Township. All plants shall be installed in accord with generally accepted horticultural practices and shall be of a size deemed adequate by the Township to achieve the intent of this section. All landscaping including plants shall be protected from damage by vehicles and shall be maintained in a good condition with plants that have died being replaced by similar plants.
- (4) Plan - A landscaping plan showing the arrangement of the landscaping and parking areas and including plant sizes and species shall be submitted by the applicant for approval by the Township.
- M. Existing Parking Areas - No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this Ordinance.
- N. Handicapped Parking - Handicapped parking shall be provided in accord with most current Americans with Disabilities Act.

**§ 150-40 Performance Standards**

The intent of this section is to regulate the site design of commercial and industrial development in the areas of the Township governed by this Ordinance and to protect the public health, safety and general welfare. The following standards shall apply to all proposed commercial and industrial subdivisions and land developments.

A. Yards and Buffers - Unless otherwise regulated by this Ordinance or the Herrick Township Zoning Ordinance, where a commercial or industrial use is proposed contiguous to any existing residential use or any residential zoning district the minimum building setback shall be increased by fifty (50) percent and a landscaped buffer not less than fifteen (15) feet in width shall be provided in accord with this section. Storage of equipment, supplies, products or any other materials shall not be permitted in any required front or side setback area. Landscaped buffers shall be required by the Township in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and, to otherwise maintain and protect the character of the area.

- (1) In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
  - (2) The width of the required buffer, as determined by the Township, shall not be less than fifteen (15) feet.
  - (3) A mix of ground cover and shrubbery vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six (6) feet in height will be formed within three (3) years of planting.
  - (4) Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four (4) feet; however, all clear sight triangles shall be maintained.
  - (5) In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial or industrial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Township shall determine that the proposed use and adjoining use(s) are not incompatible.
  - (6) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements herein. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.
- B. Landscaping - A landscaping plan for the proposed project may be required by the Herrick Township Planning Commission. Landscaping shall be considered an improvement for the purposes of guaranteeing installation in accord with the requirements herein. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

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- (1) All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
  - (2) Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four (4) feet in width.
  - (3) Plants shall be of a type that is proven successful in the County's climate.
  - (4) Where landscaping is required to serve as a buffer (e.g.. between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within a reasonable number of years.
  - (5) The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
  - (6) All unusable areas in and around parking areas shall be landscaped.
  - (7) Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
  - (8) Plastic landscape materials shall not be used in place of living vegetation.
  - (9) All trees to be planted shall have a trunk diameter of at least one (1) inch as measured one (1) foot above the ground.
  - (10) Ground cover shall be spaced to allow for complete fillin within one (1) year of the date of planting.
  - (11) All shrubs not used for ground cover shall be at least one (1) gallon in size.
  - (12) Adequate soil preparation in accord with accepted landscape industry practices shall be required.
  - (13) All landscaping shall be maintained in good growing condition by the property owner.
- C. Lighting and Glare - Lighting shall be controlled in both height and intensity; and lighting design shall be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for Article V.
- (1) Areas to be Lighted - All access ways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
  - (2) Intensity - Maximum on-site lighting levels shall not exceed ten (10) foot-candles, except for loading and unloading platforms where the maximum lighting level shall be twenty (20) foot-candles. Light levels measured twenty (20) feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) shall not exceed one-tenth (0. 1) foot-candle as a direct result of the on-site lighting.
  - (3) Shielding - No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light substantially below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
  - (4) Glare - No direct or skyreflected glare, whether from overhead lighting, floodlights or from hightemperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line.
  - (5) Nuisances - The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of adjacent properties.
  - (6) Height - The maximum height of light standards shall not exceed the permitted maximum building height but in no case greater than thirty-five (35) feet. This limitation shall not apply to lights needed for aviation safety nor lights intended solely to illuminate an architectural feature of a building.
- D. Noise - Audible sound from a Commercial or Industrial development shall not exceed fifty (50) dBA as measured at the exterior of any occupied building on a neighboring landowner's property. The applicant and or operator shall be responsible for establishing and certifying to the Township the required decibel level prior to approval of the development. This work shall be done by a registered

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professional engineer. The Township may grant a partial waiver of such standards where it has determined that literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question and provided that such waiver will not be contrary to the public interest.

- E. Other Regulations - The Township may require documentation from the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Protection, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

**§ 150-41 Communications Towers**

- A. General Standards - Site plans for all Communications Towers shall be submitted as a Land Development and shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith including the submission of plans in conformity with these Regulations.
- B. Location of Towers
- (1) Necessity of Proposed Location - The communications company shall be required to demonstrate, using technological evidence, that the tower must be located where it is proposed in order to satisfy its function in the company's grid system or coverage diagrams.
  - (2) Co-Location - Co-location on existing towers is preferred. If the communications company proposes to build a tower (as opposed to mounting the communications antenna on an existing structure) the communications company shall provide written evidence demonstrating that co-location with another tower is not technically possible, and that the owners of tall structures within the proposed coverage area have been contacted, and permission was denied, along with the reasons given for denial, other than economic reasons.
  - (3) Placement Below Ridge Line - Every effort shall be made to locate the tower below the ridgeline of mountains and hills while still preserving the site's usefulness.
  - (4) Lease - The applicant shall submit a copy of the lease or other documentation evidencing that the owner of the property approved the siting of the tower and other supporting equipment, and the access provided to the site.
  - (5) Additional Agency's Regulations - The tower shall be subject to any applicable Federal Aviation Administration, Pennsylvania Bureau of Aviation, airport zoning regulations and any other local, state or federal regulations that may apply.
- C. Site Standards
- (1) Minimum Lot Area - The minimum lot area shall be the area needed to accommodate the tower, guy wires (if used), the equipment building, security fence, parking area, and buffer planting if required.
  - (2) Set-back Distance - The tower shall be set-back from adjacent property lines and existing buildings a distance equal to the maximum collapsible fall zone for the proposed tower as specified by a registered engineer responsible for designing the proposed tower, plus 15 feet.
  - (3) Access to the Site - The vehicular access to the tower site shall, wherever feasible, use the existing access currently available on the property. A minimum twenty-foot easement or right of way for access shall be provided to the tower, which is adequate to accommodate maintenance and emergency vehicles.
  - (4) Security Fencing - A eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building. The gate shall be locked at all times when not attended.
  - (5) Lighting and Signage - No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction. In addition, no antennae support structure may be artificially lighted except when required by the Federal Aviation Administration or other governmental agency that has jurisdiction. Any additional lighting shall be shielded and reflected away from adjoining properties.
  - (6) Painting - Communication towers shall be painted in such a way to minimize the visual impact on the surrounding landscape.
- D. General Design

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- (1) Safety and Building Code Regulations - The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind and other loads in accordance with the American National Standards Institute (ANSI), as amended, and other federal, state and local building regulations and accepted industry standards.
- (2) Additional Use of Tower - In order to reduce the number of antenna support structures needed in a community in the future, any proposed new support structure shall be designed to accommodate other users.

E. Abandonment of Use

- (1) Removal of Tower - The lease required and proof thereof shall include provisions for removal of the tower in the event that any tower ceases to be used as a communication facility. Such statement shall include, "*The current owner and/or operator of the tower or the current owner of the land on which the tower is located at the time the tower ceases to be used as a communications tower shall be required to remove the same within one (1) year from the abandonment of use.*"
- (2) Municipal Lien - In addition, the Township may file a municipal lien against the land to recover the cost of removal of the tower and any attorney's fees.

**§ 150-42 RESERVED**

**§ 150-43 Natural Gas Compressor Stations**

- A. General Standards - Site plans for all Natural Gas Compressor Stations shall be submitted as a Land Development and shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith including the submission of plans in conformity with Articles III, IV, V, VI and VII of these Regulations.

B. Definitions Specific to Natural Gas Compressor Stations

NON-PARTICIPATING LANDOWNER – any landowner except those on whose property all or a portion of a Natural Gas Compressor Station is located pursuant to an agreement with the Facility Owner or Operator.

OCCUPIED BUILDING – a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the land development application is submitted.

C. Location Requirements - The facilities shall comply with the following location requirements:

- (1) Building - All compressors and equipment other than condensation tanks and other non-mechanical support equipment shall be located within a fully enclosed building with soundproofing and blow down silencers and mufflers.
- (2) Noise - Audible sound from a Natural Gas Compressor Station shall not exceed fifty (50) dBA as measured at a distance of at least twenty-five feet (25') from outside the property line of the property on which the station is located. The applicant and/or operator shall be responsible for establishing and certifying to the Township the required decibel level prior to approval of the compressor station. This work shall be done by a registered professional engineer.
- (3) Setbacks - All compressor station equipment shall maintain the following setback distances.
  - (a) Property Lines, Road rights-of-Way - Two hundred (200) feet from adjoining properties and public road rights-of-way.
  - (b) Residential Structures and Other Occupied Buildings - Three hundred (300) feet from any existing residential structure not located on the project parcel or any school, church, hospital or other occupied building.
  - (c) Water Bodies - Two hundred (200) feet to any body of water, perennial or intermittent stream, or wetland.
- (4) Buffer
  - (a) An area of not less than sixty (60) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer. The buffer shall not be used for parking, storage or any other purpose except landscaping, crossing of access roads or required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
  - (b) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation in accordance with Section 707.2 and shall be a minimum of twenty-five (25) feet in width. The buffer shall be

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dense enough to block the view of interior objects from the exterior of the lot and to assist with sound reduction as much as possible.

- (c) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in this Ordinance.
- (d) It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

(5) Fencing - The Compressor Station site shall be enclosed by a minimum six (6) foot high security fence.

D. Local, State and Federal Regulations - All operations shall comply with all applicable local, state and federal laws and rules and regulations.

**§ 150-44 Hydraulic Fracturing Water Treatment Facilities**

A. General Standards - Site plans for all Hydraulic Fracturing Water Treatment Facilities shall be submitted as a Land Development and shall comply with the following standards and requirements as well as all other applicable provisions of these Regulations not in conflict herewith including the submission of plans in conformity with these Regulations.

B. Requirements for Hydraulic Fracturing Water Treatment Facilities - Hydraulic fracturing water treatment facilities shall comply with the following requirements:

(1) Setbacks - The following setbacks shall be maintained for the hydraulic fracturing water treatment facilities and any truck parking or staging areas. Ancillary facilities such as offices, employee parking, and accessory structures shall comply with the buffer requirements herein.

(a) Property Lines, Road rights-of-Way - Three hundred (300) feet to adjoining properties and public road rights-of-way.

(b) Residential Structures - One thousand (1,000) feet to any existing residential structure not located on the project parcel.

(c) Water Bodies - One thousand (1,000) feet to any body of water, perennial or intermittent stream, or wetland. This shall not apply to any required discharge or intake structures or facilities at the receiving stream or water supply.

(2) Buffer

(a) An area of not less than fifty (50) feet in width shall be maintained along all property lines and road rights-of-way to provide a buffer. The buffer shall not be used for parking, storage or any other purpose except landscaping, crossing of access roads or required utilities and discharge/intake lines. In determining the type and extent of the buffer required, the Township shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.

(b) Any required landscaped buffer may be installed in the setback area, and shall consist of trees, shrubbery and other vegetation in accordance with Section 707.2 and shall be a minimum of twenty-five (25) feet in width. The buffer shall be dense enough to block the view of interior objects from the exterior of the lot and to assist with sound reduction as much as possible.

(c) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in this Ordinance.

(d) It shall be the responsibility of the applicant and/or operator to maintain all buffers in good condition, free of rubbish, and replace any dying or dead plants or deteriorating landscape material.

(3) Fencing - The Hydraulic Fracturing Water Treatment Facility site shall be enclosed by a minimum six (6) foot high security fence.

C. Parking and Staging Areas - Adequate vehicle parking and staging areas for all facilities shall be provided on site to prevent parking or staging on any public road right-of-way.

D. Local, State and Federal Regulations - Hydraulic fracturing water treatment facilities shall comply with all applicable local, state and federal laws and rules and regulations.

## **ARTICLE VI - Land Conservation & Multi-Family Developments**

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#### **§ 150-45 Land Conservation Residential Development – Developer’s Option**

- A. Intent - The intent of this section is to conserve undeveloped land with sensitive natural areas, active agricultural lands, land with potential for agriculture, historic or cultural elements, scenic views and other significant land features. These land features comprise the very rural character of the Township which has stimulated both second home and permanent residents. Without the careful consideration of the development process established by the standards in this section, many of these significant land features would be lost to the effects of conventional residential development. As compared to land conservation development, conventional residential development often presents unnecessary environmental consequences and severely compromises the rural character of the Township, which is directly linked to the economic vitality of the community and region.

The conservation of land and preservation of community character is accomplished by permitting single-family and multi-family residential development at a somewhat higher overall density than conventional single-family development, but in an open land setting. The development is designed to reduce the perceived intensity of development, preserve natural features and farmland, and provide privacy and community identity.

Specific objectives are as follows:

- (1) To preserve open land, including those areas containing unique and sensitive natural features such as woodlands, farmland, steep slopes, natural drainage ways, streams, lakes, flood plain and wetlands by directing development to other areas of the project parcel.
  - (2) To preserve scenic views and other physical elements of the Township’s rural and recreational character and to minimize perceived density by minimizing views of new development from existing roads.
  - (3) To permit design flexibility and efficiency in the siting of dwellings, services and infrastructure by reducing site preparation requirements, road lengths, utility extensions, storm water management facilities, and other development considerations.
  - (4) To reduce the erosion and sedimentation by minimizing disturbance of existing vegetation and directing development away from steep slopes.
  - (5) To reduce the volume of storm water runoff by minimizing the amount of impervious surfaces, and to facilitate storm water management by preserving natural drainage ways.
  - (6) To encourage the use of sewage disposal methods that do not result in a stream discharge of effluent.
  - (7) To encourage the preservation and improvement of wildlife habitat by maintaining large parcels of open land and minimizing the disturbance of existing vegetation.
  - (8) To preserve the limited agricultural land in the Township by designation of the said lands as a primary conservation area to be maintained in large blocks.
  - (9) To realize the goals of the Township Comprehensive Plan.
  - (10) To establish a mechanism for the continued preservation and maintenance of open land in the Township to achieve the purposes enumerated in this section and for active or passive recreational use by residents.
- B. Application: Parcel Size - The provisions of this section may be applied by the Township upon request by a developer and only in accord with the standards of this section. The minimum parcel size required shall be ten (10) acres.
- C. Dwellings, Density, and Open Space - Dwellings permitted in accord with this section shall be limited to the following:
- (1) Dwellings Permitted - The following dwelling types are permitted in accord with the standards of this section:
    - (a) Standard single-family detached dwellings.
    - (b) Lot-line houses (see definition “Dwelling – Lot Line House).
    - (c) Townhouses.
  - (2) Density - Overall density shall be based on the per unit lot size for single-family dwellings determined by the proposed type of water supply and sewage disposal in accord with this Ordinance, and a density bonus of fifteen (15) percent shall be applied.

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- (3) Open Land - Not less than forty (40) percent of the tract shall remain as open land as defined and maintained in accord with this section. Not less than thirty (30) percent of the required open space shall be available for the use of the residents of the development.
- (5) Non-Residential Uses - The following non-residential uses shall be permitted on open lands:
- (a) Agricultural activities of the following types:
    - [1] Cultivation, harvesting, and sale of crops and related farm and forest products;
    - [2] The raising and sale of livestock or fowl, along with associated pasture and grazing land, but excluding intensive livestock operations;
    - [3] Orchards, nurseries, greenhouses, and related horticultural activities.
    - [4] Other similar agricultural uses.
  - (b) Open land uses, primarily passive in nature, including wildlife sanctuaries, forest preserves, nature centers, and similar uses.
  - (c) Game farms, fish hatcheries, hunting or fishing preserves; or similar uses intended for the protection or propagation of wildlife.
  - (d) Parks and recreation for non-intensive uses, including golf courses (excluding driving ranges or miniature golfing), hiking, bicycling or horse riding trails, picnic areas, playing fields, and similar uses.
- D. Project Design Process - The design process included in this section is based on the approach detailed in the September 1994, Natural Lands Trust publication, *Designing Open Space Subdivisions, A Practical Step-by-Step Approach* or other relevant publications. Open land development plans will be reviewed by the Township using the publication as a guide and developers should review the publication prior to initiating the design process and preparing a conceptual plan.
- (1) Inventory and Analysis - A site inventory of land forms and natural, historic and scenic features, and a site analysis plan shall be prepared as the foundation of any Land Conservation Development proposed in accord with this section. The site analysis plan also serves as the base for the determination of the location and size of areas to be developed, and conservation areas, those areas to remain undeveloped. The plan shall identify Primary Conservation Areas and all potential Secondary Conservation Areas in accord with this section. The final determination and designation of Secondary Conservation Areas shall be approved by the Township. In addition, the following site elements shall be inventoried and mapped in sufficient detail to allow evaluation of the site analysis plan by the Township relative to the intent of the land conservation residential development.
- (a) Physical Resources - Identification of the natural resources of the tract including geology, topography, soils, hydrology and vegetation. The features shall be mapped at a scale not less than one (1) inch equals one-hundred (100) feet, and shall be described in a brief narrative, and shall include the following: [NOTE: On tracts of one-hundred (100) acres or more, the scale shall be one (1) inch equals two-hundred (200) feet. More detailed scales may be required for actual design plans.]
    - [1] Topographic contours at intervals of ten (10) feet, showing rock outcrops and slopes of more than fifteen (15) percent.
    - [2] Soil types and a table identifying soil characteristics relating to agricultural capability, seasonal high water table, depth to bedrock, and suitability for land application of sewage effluent and for on-lot sewage disposal systems. Soil information shall be taken from the Susquehanna County Soil Survey published by the U.S. Department of Agriculture.
    - [3] Hydrologic characteristics of the tract, including streams, lakes and ponds, flood plain and hydric soils.
    - [4] Vegetation of the tract, showing location and boundaries of agricultural land, woodlands, and other areas in terms of vegetation associations, species and size.
  - (b) Land Use - Existing land use and land cover (paved areas, cultivated areas, pastures, etc.), all buildings and structures on the tract, and all encumbrances on the tract such as easements or covenants.
  - (c) Visual Resources - Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract.
  - (d) Cultural and Historic Resources - The location of historic resources on the tract, including buildings and other structures, stone walls, cemeteries, burial grounds, cellar holes, well, etc.

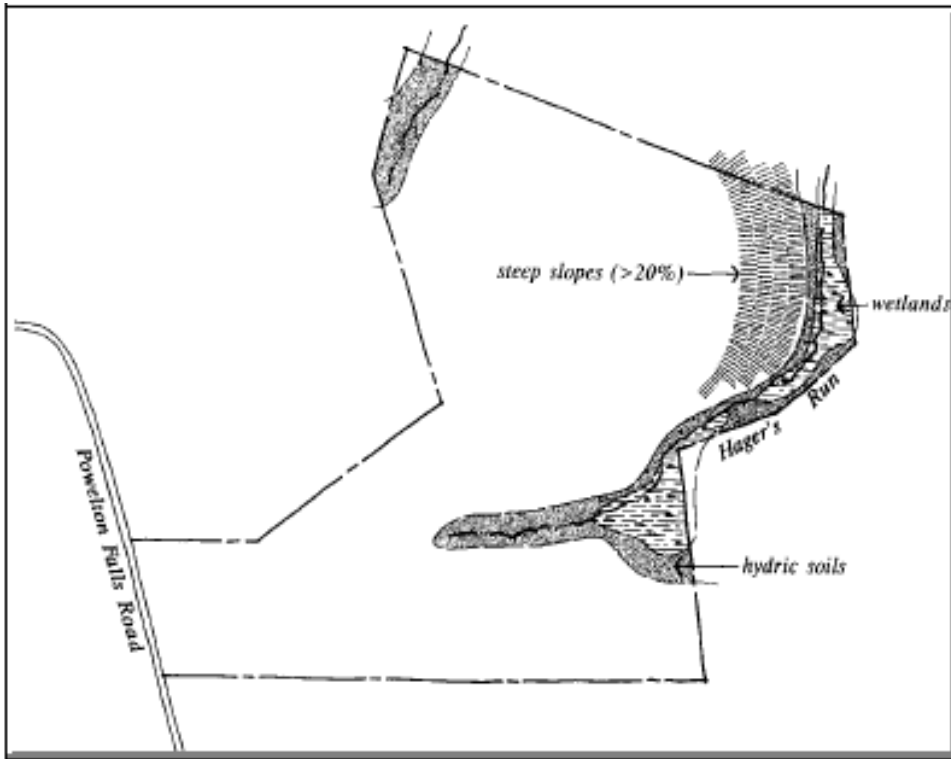


**ARTICLE VI - Land Conservation & Multi-Family Developments**  
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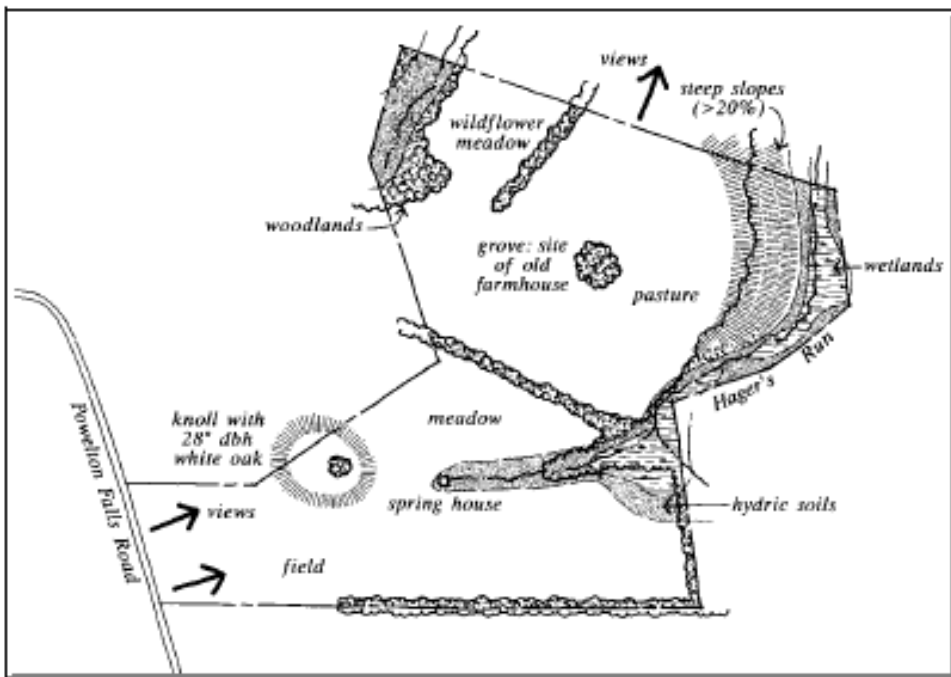
- (e) Area Context - General locations of buildings, land use, and natural features such as water bodies, wooded areas, ridge lines, and agricultural land, roads, property lines, public and conservancy lands, and other open land easement areas, within five-hundred (500) feet of the tract. This information may be shown on an aerial photograph or a suitable map at a scale no smaller than one (1) inch equals four-hundred (400) feet.
- (f) Conservation Areas - The following conservation areas shall be clearly identified on the site analysis plan:
  - [1] Primary Conservation Areas shall include:
    - [a] Wetlands
    - [b] Land within the 100 year flood plain
    - [c] Land with a slope of more than twenty-four (24) percent
    - [d] Land within fifty (50) feet of any pond, lake or stream.
  - [2] Secondary Conservation Areas shall include:
    - [a] Aquifer recharge areas
    - [b] Areas with highly permeable soil
    - [c] Land within twenty-five (25) feet of wetlands
    - [d] Natural drainage ways
    - [e] Major rock outcroppings and other unusual geologic features
    - [f] Agricultural land and areas with prime agricultural soils as identified by the U.S. Department of Agriculture, Natural Resource Conservation Service
    - [g] Historic resources
    - [h] Scenic views onto the tract from surrounding roads and public areas, as well as views of scenic features from within the tract
- (2) Useable Land Area -- Determination of Base Dwelling Unit Density - The final dwelling unit density shall be calculated by applying any applicable density bonus to the base density. The base dwelling unit density shall be determined by deducting the following areas from the total size of the tract and applying the appropriate density as set forth herein for the type of water and sewage disposal.
  - (a) Land within public rights-of-way.
  - (b) Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
  - (c) Fifty (50) percent of wetland areas.
  - (d) Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
  - (e) Land with a slope of more than twenty-five (25) percent.
  - (f) Any pond or lake more than two (2) acres in size.
  - (g) Fifty (50) percent of land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.
- (3) Conceptual Sketch Plan - Following the determination of the number of residential units permitted, the developer shall submit to the Township a conceptual sketch plan. The purpose of the plan is to determine the overall design of the development including the location of residential lots, street patterns, Primary and Secondary Conservation Areas, and Conservation Area trail linkages. The conceptual plan shall be developed by the following four-step process, as demonstrated to the Township by the developer, and incorporating the design standards contained in this section:

**ARTICLE VI - Land Conservation & Multi-Family Developments**  
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(a) Mapping of Primary and Secondary Conservation Areas to identify all potential open land areas

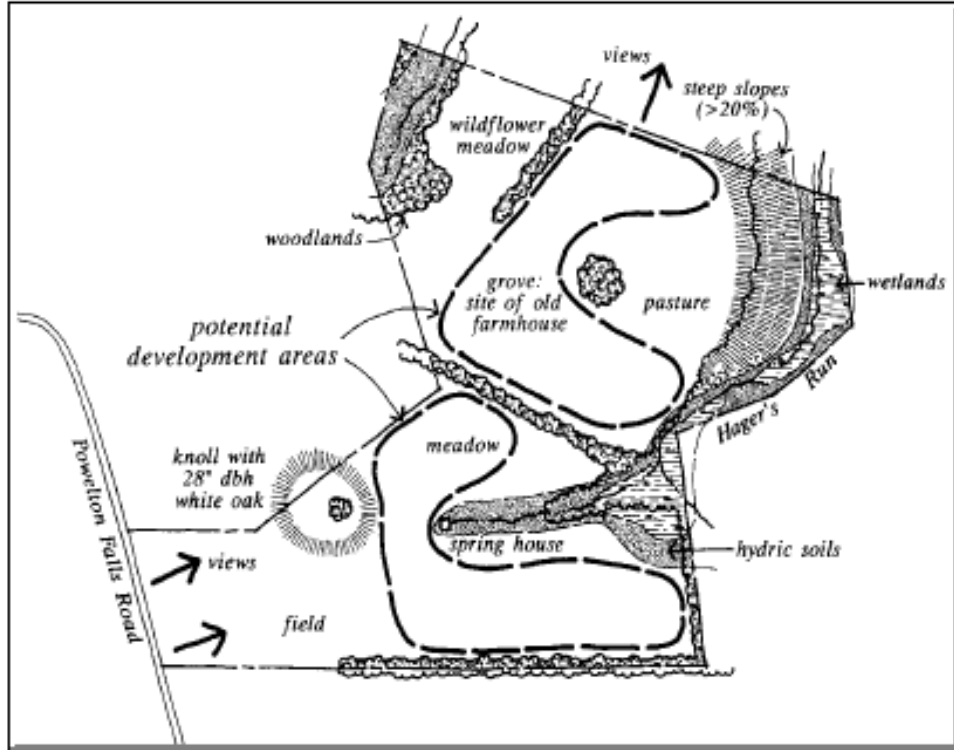


Step 1, Part 1 – Identifying Primary Conservation Areas



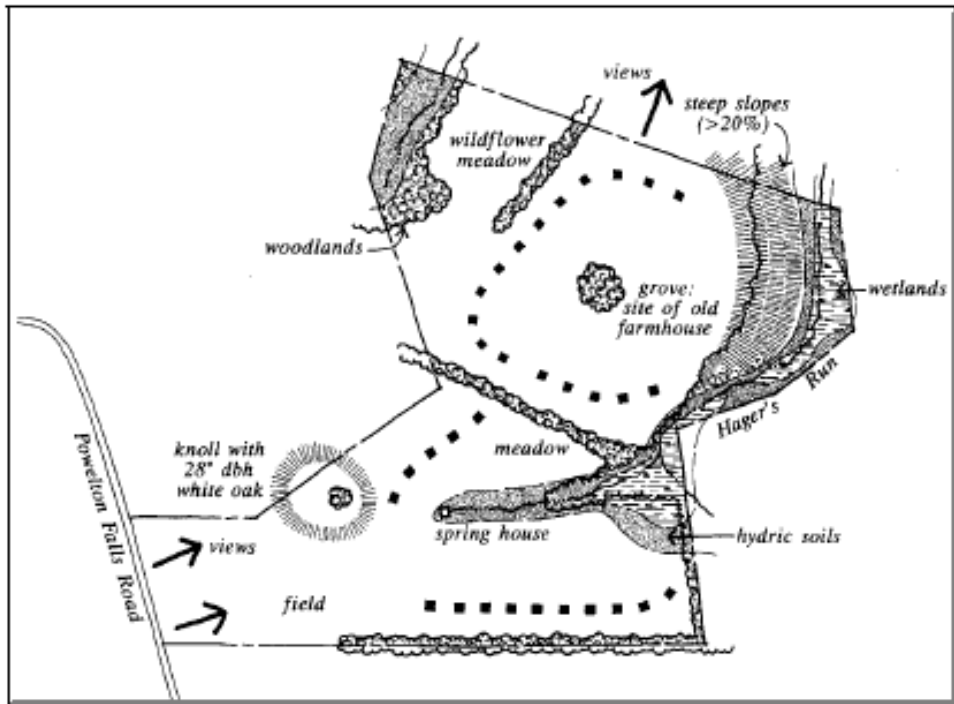
Step 1, Part 2 – Identifying Secondary Conservation Areas

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Step 1, Part 3 – Identifying Potential Development Areas

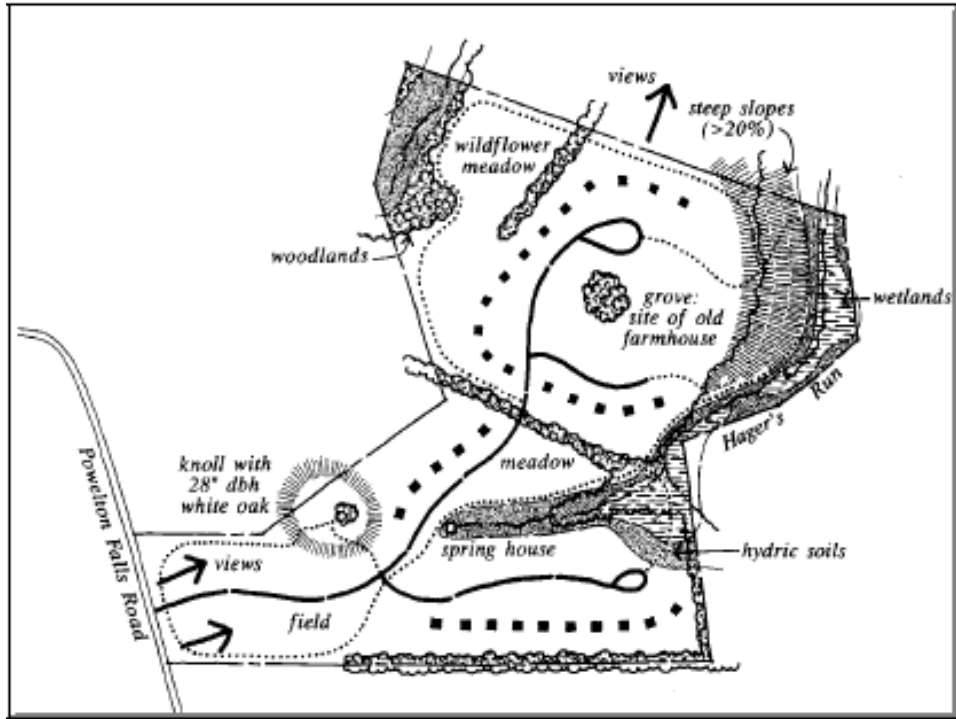
(b) Locating house site and neighborhoods



Step 2 – Location of House Sites

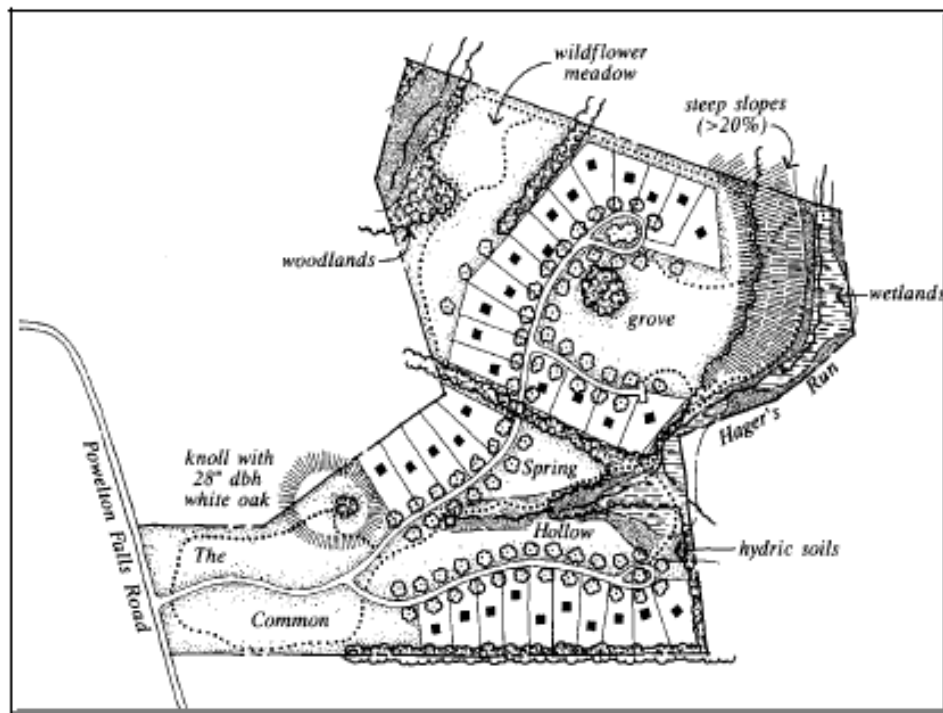
(c) Laying out streets and footpaths/trails with connections

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Step 3 – Alignment of Streets and Trails

(d) Establishing lot lines



Step 4 – Drawing in the Lot/Development Lines

Submission of the conceptual sketch plan shall not constitute a formal filing of the development for review, and by requesting consideration of the plan under the terms of this section, the Developer acknowledges that the statutory review time is not initiated until such time as a complete preliminary plan is accepted for review in accord with Article III of this Ordinance.

**ARTICLE VI - Land Conservation & Multi-Family Developments**  
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- (4) Foundation for Preliminary Plan - The conceptual sketch plan shall serve as the foundation for the preliminary subdivision/land development plan. The preliminary subdivision/land development plan shall conform to the conceptual sketch plan in terms of open land areas, number of dwelling units, building locations, street design and other improvements, unless a change is approved by the Township.
- (5) Subdivision/Land Development Plan - Following approval of the conceptual sketch plan the developer shall be authorized to submit a preliminary subdivision/land development plan in accord with Article III of this Ordinance. In addition to the information required by Article IV of this Ordinance, the conceptual plan information shall be included on the preliminary and final subdivision/land development plans. The time period for Planning Commission review and action on the subdivision/land development plan shall not begin until such time as a complete preliminary plan application is submitted in accord with this Ordinance.

E. Open Land Standards

- (1) Percentage of Open Land - Not less than forty (40) percent of the parcel proposed for development shall be dedicated as common open land. The percentage shall be calculated after deducting the following areas from the total parcel size.
  - (a) Land within public rights-of-way.
  - (b) Land within the rights-of-way of existing or proposed private streets (where formal rights-of-way are not involved the width of the street shall be assumed as fifty [50] feet wide).
  - (c) Seventy (70) percent of wetland areas.
  - (d) Land within the 100-year flood plain as shown on the most current Flood Insurance Rate Map issued by the Federal Emergency Management Agency.
  - (e) Land with a slope of more than twenty-five (25) percent.
  - (f) Any pond or lake more than two (2) acres in size.
  - (g) Seventy (70) percent of land contained within the boundaries of easements for overhead electricity, telephone, or cable television service.
  - (h) All impervious surfaces including but not limited to buildings, roads, sidewalks, etc.
- (2) Composition of Open Land Area - The reserved open land shall be contiguous with the project parcel and shall be comprised of not more than a combined total of fifty (50) percent wetlands, 100-year flood plain, or land with a slope of more than twenty-five (25) percent. Not less than fifty (50) percent of the open land shall be accessible to the residents of the Land Conservation Development, and such access shall be preserved in perpetuity in accord with Article V of this Ordinance.
- (3) Uses Permitted on Open Lands - The following uses shall be permitted in open land areas:
  - (a) Conservation of open land in its natural, unaltered state.
  - (b) Agricultural uses, including raising of crops or livestock and forest products, and farm buildings.
  - (c) Neighborhood open land as specified herein.
  - (d) Passive recreation including, but not limited to, trails, picnic areas, community gardens and lawns.
  - (e) Active recreation areas including, but not limited to golf courses, playing fields, playgrounds and courts, meeting the setback requirements herein. Active recreation areas shall not exceed fifty (50) percent of the minimum required open land.
  - (f) Water supply and sewage disposal systems for individual lots, neighborhoods, or the entire development.
  - (g) Pasture for recreational horses not associated with a commercial operation.
  - (h) Easement for drainage, access, sewer or water lines, utilities or other essential services.
  - (i) Storm water management facilities for the proposed development, or for a larger area if required for compliance with the requirements of the any storm water Management Ordinance adopted to regulate storm water in areas governed by a plan adopted in accord with the PA Storm water Management Act of 1978.
  - (j) Parking areas of ten (10) or fewer spaces to serve active recreation facilities.

## **ARTICLE VI - Land Conservation & Multi-Family Developments**

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- (k) Above ground utility and road rights-of-way, except that the land area of the same shall not count toward the minimum open land requirement.
- (4) Uses Prohibited on Open Lands - The following uses shall be prohibited in open land areas:
  - (a) Use of motor vehicles except on approved driveways and parking areas. Motor vehicles maintenance, law enforcement, emergency, and farm vehicles shall be permitted as needed.
  - (b) Cutting of healthy trees or vegetation, regrading, topsoil removal, altering water courses or water bodies, except in accord with a land management plan for the tract conforming to accepted standards.
  - (c) Any other use not specifically permitted above.
- (5) Land Conservation Development Standards - The Township, in considering a proposed open land development and determining compliance with the intent and standards of this section, shall evaluate the layout of lots and open land in accord with the design standards contained herein. Diversity and originality in lot layout and neighborhood design, and open land designation and interconnection shall be encouraged to achieve the optimum relationship between developed and conservation areas. The final determination of the design of the Land Conservation Development and those site features which are most significant shall be made by the Township.
  - (a) The Land Conservation Development shall be designed around the primary and secondary conservation areas and to otherwise protect the significant site features identified in the site inventory and designated by the Township.
  - (b) Development on primary conservation areas shall be prohibited and any soil disturbance or vegetation cutting in primary conservation areas shall be avoided. If any disturbance is required, the developer shall provide documentation of compliance with any applicable regulations governing the same and shall show how any potential adverse effects will be mitigated.
  - (c) Development, soil disturbance, and vegetation cutting on secondary conservation areas shall be absolutely minimized. If any development or disturbance on secondary conservation areas is proposed the developer shall demonstrate why the said development or disturbance is necessary to the overall Land Conservation Development plan, and show how the same will be mitigated.
  - (d) Open land areas shall, to the greatest extent possible, be in large, continuous, undivided parcels coherently configured to relate to neighborhood areas of the Land Conservation Development.
  - (e) In cases where smaller open land parcels are necessary, no such parcel shall be less than three (3) acres in size and shall not have a length-to-width ratio of more than 4:1, except as may be required for neighborhood design, required buffers or trails linking open land areas.
  - (f) The interconnection of open land on adjoining tracts shall be considered as part of the layout of open land and design of neighborhoods.
  - (g) Reasonable access to open land shall be provided for all neighborhood areas and a safe and convenient pedestrian circulation system shall be provided to connect neighborhoods with open land in the Land Conservation Development.
  - (h) Agricultural land shall be preserved to the greatest extent possible. In cases where agricultural land (crop land and pasture) is a significant feature of the site, neighborhoods shall be designed to minimize conflicts with agricultural practices and any designated Agricultural security Areas..
  - (i) In order to protect the rural character of the County, the design of the Land Conservation Development shall address the preservation of scenic views where the same have been identified as a significant site feature. For example, if a large parcel of agricultural land surrounded by woodland is a significant site feature, neighborhoods would be located within the wooded area in order to minimize the effect on the scenic view.
  - (j) The preservation of any identified historic resources shall be incorporated into the design of the Land Conservation Development.
  - (k) Any proposed active recreation areas shall be suitably located for convenient access by residents of the Land Conservation Development.

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- (6) Building Envelopes - Building envelopes shall be shown on the plan for all lots of one-half (0.5) acres or more to identify the most suitable area for development on each lot. All areas of a lot not within the building envelope shall be restricted from development via a note on the plan to such effect and deed covenants and restrictions. Building envelopes:
- (a) Shall not be located in any Primary or Secondary Conservation Area.
  - (b) Shall not include the tops of ridge lines.
  - (c) Shall be located on the edges of fields and in wooded areas, except high quality mature woodlands.
  - (d) Shall avoid open fields.

G. Water Supply and Sewage Disposal

- (1) Water Supply - All lots in neighborhoods may be served by a community (off-site, community) water supply and distribution system with such volume and pressure to provide adequate service in accord with accepted engineering practice, this Ordinance, and any other applicable governmental standards; or, may be served with individual wells located on-lot or the reserved open land. However, all multi-family dwellings and dwellings on lots less than one-half (0.5) acre shall be served by a community water system.
- (2) Sewage Disposal - All lots shall be provided with adequate sewage disposal facilities consistent with the local municipal Official Sewage Facilities Plan and meeting the requirements of this Ordinance and the PA DEP. All dwellings on lots less than one (1) acre shall be served by a community sewage disposal system or an individual system located on open lands.

- H. Open Land, Recreation Land, and Common Facilities -- Ownership and Maintenance - All areas of an Land Conservation Development not conveyed to individual lot owners and not occupied by required or proposed common facilities and development improvements shall remain permanent open land, or shall be dedicated to recreation land to be used for the sole benefit and enjoyment of the lot owners in the Land Conservation Development. Ownership and maintenance of open land, recreation land, and common facilities shall be governed by Article V of this Ordinance.

**§ 150-46 Reserved**

**§ 150-47 Reserved**

**ARTICLE VII - MOBILE HOME PARKS**  
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**§ 150-48 Applicability**

All mobile home parks as defined in Article II shall conform with the provisions of this section. These standards shall be required for mobile home parks in which lots will be leased or rented. Mobile home lots which will be sold shall conform to minimum standards established for conventional residential developments as stipulated in this Ordinance.

**§ 150-49 Procedures and Standards**

A mobile home park or expansion of a mobile home park shall be considered a land development as defined by this Ordinance and the application for the development of a mobile home park shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments.

**§ 150-50 Minimum Park Size**

A minimum parcel size of four (4) acres shall be required for mobile home parks and all lands proposed for a mobile home park shall be contiguous.

**§ 150-51 Density; Project Design Process and Procedure**

A. Lot Size; Density

- (1) Lot Size - Each mobile home lot shall have a minimum area of ten thousand (10,000) square feet for exclusive use of the occupants of the mobile home placed upon the lot. Minimum lot widths shall be fifty (50) feet. Lot area shall be measured exclusive of any rights-of-way. For purposes of this Ordinance, public rights-of-way mean all easements or other rights-of-way that are open for free and easy use by other lot occupants and/or the general public.
- (2) Density - The number of mobile home lots shall not exceed an overall density of six (6) per acre of useable land area as determined in accord with the requirements herein.

B. Project Design Process and Procedure

- (1) Subdivision and Land Development - Mobile home parks shall be considered major subdivisions and land developments.
- (2) Design Process and Procedure - All mobile home parks shall be designed and processed in accord with the requirements for Land Conservation Developments of this Ordinance.
- (3) Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- (4) Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan, and proposed agreement(s) either with the local municipality, County or a property owners' association, for the purpose of preserving the open space in the same manner as required for land conservation residential development.

C. Lot Demarcation

All mobile home park lots shall be specifically shown on the plans submitted, and the corners of each site shall be marked on the site with markers meeting the requirements of this Ordinance.

**§ 150-52 Design Standards**

In addition to the other applicable standards contained in this Ordinance the design standards in this section shall apply to all mobile home parks.

A. Location

- (1) Flood plain - A mobile home park shall not be located within a one hundred (100) year Flood plain area as defined by the Federal Flood Insurance Program.



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- (2) Nuisances - The site of any proposed mobile home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- (3) Slopes - The average natural slope of the area of the site intended for development of mobile home lots shall not exceed twelve (12) percent.
- B. Mobile Home Placement - Each mobile home lot shall be improved to provide a permanent foundation for the placement and tie-down of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. The foundation shall extend below frost line and shall be either a solid perimeter of masonry or piers; or in lieu thereof, a slab properly constructed of poured concrete.
  - (1) Stability - The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
  - (2) Anchors - The mobile home site shall be provided with anchors and tie-downs, such as cast-in-place concrete "deadmen", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at each corner of the mobile home site with two (2) additional evenly spaced on each side of the mobile home, and each shall be made of corrosion resistant materials and shall be able to sustain a minimum tensile strength of four thousand eight hundred (4,800) pounds.
  - (3) Skirting - All mobile homes shall be enclosed from the bottom of the mobile home to the ground or paving using industry approved fire resistant skirting material with sufficient ventilation to inhibit decay and deterioration of the mobile home.
- C. Soil and Ground Cover - All areas of a mobile home park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection.
- D. Storm Water/Drainage - Mobile home parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from mobile home sites. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface or into any storm water control facility in any part of a mobile home park.
- E. Setbacks, Buffer Strips and Screening
  - (1) Mobile Home Setbacks - All mobile homes, and any accessory structures attached thereto, shall meet the following setbacks as measured from the lot line demarcations provided herein:
    - Front setback - 20 feet
    - Side setback - 15 feet
    - Rear setback - 15 feet
  - (2) Accessory Structures - Accessory structures, including but not limited to, garages, car ports, porches, decks, tool sheds and patios shall meet the setbacks established herein for mobile homes. All unattached accessory structures shall be separated from the mobile home by a minimum of ten (10) feet.
  - (3) Buffers - A buffer area shall be provided around the mobile home park. No mobile home lot shall be located closer than fifty (50) feet to any public road right-of-way or closer than seventyfive (75) feet to any other exterior property line.
  - (4) Screening - The Township may require screening such as fences or plant materials along the property boundary line separating the park and any adjacent use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained by the owner at all times.
  - (5) Parking Area Setback - There shall be a minimum distance of thirty (30) feet between the adjoining pavement of a park street or common parking area and other common areas and structures.
- F. Streets, Parking and Access
  - (1) Streets - Mobile home park streets shall be provided, designed and constructed in accord with minor street requirements.

**ARTICLE VII - MOBILE HOME PARKS**  
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- (2) Parking - Parking shall not be permitted on roads or drives within the mobile home park, but shall be restricted to designated parking areas either at each mobile home site or at a common location. Off-street parking for two (2) motor vehicles shall be provided at each mobile home lot and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) mobile home lots. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be stabilized with a minimum six (6) inches depth of select material approved by the Township.
- (3) Access - There shall generally be at least two (2) points of ingress and/or egress in each mobile home park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. The requirement for two (2) points may be waived by the Township for reason of topography, parcel configuration or other factor deemed valid by the Township. Accesses shall be separated by at least one hundred fifty (150) feet where they intersect with a public street. Access intersections with a public road shall be designed to safely permit the entry and exit of mobile homes.
- (4) Lot Frontage - Mobile home sites and parking spaces shall have direct access to and frontage on the interior park street system. Mobile home sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the mobile home park and providing access to other parcels or developments.
- (5) Illumination - All mobile home parks shall be furnished with lighting standards so spaced and equipped with luminaries placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting shall also otherwise comply with requirements of this Ordinance.

G. Walks

- (1) General Requirements - All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. Walkways shall be provided with a durable, dust and mud-free surface.
- (2) Common Walk System - Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of four (4) feet.
- (3) Individual Walks - All mobile home lots shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

H. Utilities

- (1) Water Supply - Mobile home parks shall be served by a community water supply system; and connections shall be made to each mobile home lot. No well shall be located on an individual mobile home lot.
  - (a) Individual water-riser pipes shall be located within the confined area of each mobile home lot at a vertical position to decrease the susceptibility to freezing.
  - (b) The water-riser pipe shall have a minimum inside diameter of one-half (0.5) inch and terminate not less than four (4) inches above the ground surface, and shall be provided with a cap when a mobile home does not occupy the site.
  - (c) Adequate provision 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. Surface drainage shall be diverted away from the riser pipe.
  - (d) A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home lot. Underground stop-and-waste valves are prohibited unless their type of manufacture and installation are approved by the Township.
- (2) Sewage Disposal - Mobile home parks shall be served by a community sewage disposal system; and connections shall be made to each mobile home lot and any other wastewater producing facilities in the mobile home park. No sewage disposal system shall be located on an individual mobile home lot.
  - (a) Individual sewer-riser pipes, not less than three (3) inches in diameter shall be located within the confined area of the mobile home lot so that the sewer connection shall be at a vertical position.
  - (b) The sewer connection shall have an nominal inside diameter of not less than three (3) inches and the slope of any portion thereof shall be at least one-fourth (0.25) inch per foot. All joints shall be watertight.

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- (c) All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.
- (d) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend not less than one-half (0.5) inch above ground elevation.
- (3) Electric, Telephone and Cable T.V. - All mobile home lots in proposed mobile home parks shall be provided with underground electric, telephone and T.V. cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.
- (4) Central Fuel System - Any central fuel supply systems and/or central fuel storage facilities shall be installed in accord with generally accepted design and construction practice and in accord with all applicable utility, state and federal regulations.
- (5) Individual Fuel Supply Systems - All gas, fuel oil or other fuel supplies serving individual mobile homes shall be installed and maintained in accord with all applicable requirements of the fuel provider and any local, state or federal regulations.
- I. Refuse Disposal - The storage, collection and disposal of trash and refuse shall be so managed as to create no health hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Trash and refuse shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow. Refuse disposal shall be in accordance with the County's Solid Waste Plan.
- J. Recreation Area - In all parks designed to accommodate ten (10) or more mobile homes, there shall be one or more recreation areas that are easily accessible to all park residents. The size of such recreation areas shall be based on a minimum of five-thousand (5,000) square feet per area, with the total recreation area to be not less than ten (10) percent of the total area of the mobile home park. Recreation areas shall be located so as to be free of traffic hazards, and shall where the topography permits, be centrally located.
- K. Landscaping and Outdoor Living Requirements
  - (1) Landscaping - Screen planting shall be provided adequate to effectively screen objectionable views within a reasonable time; views to be screened including laundry drying yards, garbage and trash collection stations, nonresidential uses, and rear yards of adjacent properties. Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade. An overall landscaping plan shall be submitted by the developer for approval by the Township. All landscaping and associated vegetation shall be maintained in a good and healthy condition.
  - (2) Private Area - Private outdoor living and service space shall be provided for each mobile home and shall be partially paved or otherwise surfaced to provide a durable, mud and dust-free surface. The minimum area shall be not less than three hundred (300) square feet with the smallest dimension of fifteen (15) feet. The paved area shall be not less than one hundred (100) square feet with the smallest dimension of ten (10) feet.

**§ 150-53 NonResidential Uses**

No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and wellbeing of park residents and for the management and maintenance of the park. Neighborhood commercial uses, not visible from any public road right-of-way such as grocery stores designed to serve the needs of the park residents may be permitted. These shall not include automobile service stations or other highway-oriented uses.

**§ 150-54 Removal of Mobile Homes**

No mobile home in a mobile home park shall be removed from the lot without the owner thereof first obtaining a permit as may be required by any local or state requirements.

**ARTICLE VIII - CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**  
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**§ 150-55 Applicability; Occupancy; Records**

- A. Applicability - All campgrounds and recreational vehicle parks as defined in Article II, hereinafter referred to as RV Parks, shall conform to the provisions of this section. In addition, any expansion involving the cumulative addition of ten (10) or more sites to an existing park, beginning with the date of this ordinance, and/or the addition of sites to an existing park that will require additional sewage disposal facilities, shall also conform to this section. These standards shall be required for RV Parks in which sites will be rented for transient use. Non-transient RV Park sites that will be leased or will be sold shall conform to minimum standards established for conventional residential developments as stipulated in this Ordinance.
- B. Occupancy - No site shall be used as a permanent residence.

**§ 150-56 Procedures and Standards**

An RV Park or regulated expansion of an RV Park shall be considered a land development as defined by this Ordinance and the application for the development of an RV Park shall be processed in accord with all the procedures established by this Ordinance for major subdivisions and land developments.

**§ 150-57 Minimum Park Size**

A minimum parcel size of five (5) acres shall be required for RV Parks and all lands proposed for an RV Park shall be contiguous.

**§ 150-58 Density; Project Design Process and Procedure**

- A. Site Size; Density
- (1) Site Size - Each site in an RV Park shall have a minimum area of eight hundred (800) square feet. Minimum site widths shall be twenty (20) feet. Site area shall be measured exclusive of any rights-of-way. For purposes of this Ordinance, public rights-of-way mean all easements or other rights-of-way that are open for free and easy use by other site occupants and/or the general public.
  - (2) Density - The number of sites in an RV Park shall not exceed an overall density of ten (10) per acre
- B. Project Design Process and Procedure
- (1) Design Process and Procedure - All RV Parks shall be designed and processed in accord with the requirements for Land Conservation Developments.
  - (2) Site Plan - A proposed site plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts and profiles shall also be provided indicating building dimensions, numbers, and sizes, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
  - (3) Open Space - Open space area shall be preserved to the maximum extent possible in accord with a schedule or plan for the purpose of preserving the open space in the same manner as required for Land Conservation Development.
- C. Site Demarcation - All RV Park sites shall be specifically shown on the plans submitted.

**§ 150-59 Design Standards**

In addition to the other applicable standards contained in this Ordinance the design standards in this section shall apply to all RV Parks.

- A. Location
- (1) Flood Plain - Any structures in any RV Park shall not be located within a one hundred (100) year flood plain area as defined by the Federal Flood Insurance Program unless in compliance with all applicable local ordinances.
  - (2) Nuisances - The site of any proposed RV Park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents, and shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

## **ARTICLE VIII - CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**

### **Herrick Township Subdivision and Land Development Ordinance - 2024**

- B. Soil and Ground Cover - All areas of an RV Park disturbed during the development process and not covered by improvements shall be stabilized and protected with such vegetative growth as necessary to prevent soil erosion and the emanation of dust during dry weather. Such vegetation shall be maintained by the park owner in such condition as to provide continued soil protection and otherwise comply with this Ordinance.
- C. Storm Water/Drainage - RV Parks shall be designed to insure that all surface water is drained in a safe and efficient manner away from recreational vehicle sites and otherwise comply with this Ordinance. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface or into any storm water control facility in any part of an RV Park.
- D. Setbacks, Buffer Strips and Screening
- (1) Buffers - A buffer area shall be provided around the RV Park. No individual site in an RV Park shall be located closer than fifty (50) feet to any public road right-of-way or closer than seventyfive (75) feet to any other exterior property line.
  - (2) Screening - The Township may require screening such as fences or plant materials along the property boundary line separating the park and any adjacent incompatible use. Plantings shall provide an effective screen to a height of five (5) feet at the time of planting and an effective screen to a height of eight (8) feet within five (5) years. These buffer strips shall be properly maintained by the owner at all times.
- E. Streets, Parking and Access
- (1) Streets - RV Park streets shall be provided, designed and constructed in accord with minor street requirements; however, shoulders shall not be required.
  - (2) Parking - Parking shall not be permitted on roads or drives within the RV Park, but shall be restricted to designated parking areas either at each site or at a common location. Off-street parking for one (1) motor vehicle shall be provided at each site and off-street, common parking areas for additional vehicles of park occupants and guests shall be provided at a rate not less than one (1) space per five (5) sites. These spaces shall be improved to a grade not greater than eight percent (8%) and shall be stabilized with a minimum six (6) inches depth of select material approved by the Township.
  - (3) Access - There shall generally be at least two (2) points of ingress and/or egress in each RV Park from any one (1) public right-of-way (emergency accesses excepted) and all driveways to individual sites shall front on an interior access drive. The requirement for two (2) access points may be waived by the Township for reason of topography, parcel configuration or other factor deemed valid by the Township. Accesses shall be separated by at least one hundred fifty (150) feet where they intersect with a public street. Access intersections with a public road shall be designed to safely permit the entry and exit of recreational vehicles.
  - (4) Site Access - Individual sites and parking spaces shall have direct access to the interior park street system. Sites and parking spaces shall not front or have access directly to public roads or streets or to private roads or streets passing through the RV Park and providing access to other parcels or developments.
  - (5) Illumination - All RV Parks shall be furnished with lighting standards so spaced and equipped with luminaries placed at such mounting heights as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting shall otherwise comply with performance requirements of this Ordinance
- F. Walks
- (1) General Requirements - All parks shall be provided with safe, convenient, allseason pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
  - (2) Common Walk System - Where pedestrian traffic is concentrated and a common walk system is provided such common walks shall have a minimum width of four (4) feet.
  - (3) Individual Walks - All individual sites shall be connected to common walks, streets, driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.
- G. Utilities
- (1) Water Supply - RV Parks shall be served by a community water supply system; and connections may be made to each site or one connection may serve two (2) sites. Individual water-riser pipes shall be set at a vertical position and shall extend a minimum for two (2) feet above the ground surface.

**ARTICLE VIII - CAMPGROUNDS AND RECREATIONAL VEHICLE PARKS**  
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- (2) Sewage Disposal - RV Parks shall be served by a community sewage disposal system; and connections may be made to each site and shall be made to any other wastewater producing facilities in the RV Park. No sewage disposal system shall be located on an individual site.
- H. Refuse Disposal - The storage, collection and disposal of trash and refuse shall be so managed as to create no health hazards or air pollution. All trash and refuse shall be screened from public view on three sides. Containers shall be provided in sufficient number and capacity to properly store all refuse as required by the Pennsylvania Department of Environmental Protection. Trash and refuse shall be collected and disposed of at a facility approved by the Pennsylvania Department of Environmental Protection as frequently as may be necessary to insure that the containers shall not overflow. Refuse Disposal shall be in accordance with the County's Solid Waste Plan.
- I. Recreation Area - A recreation area shall be provided that is at least twenty (20) percent of the entire area of the RV Park. The recreation area shall be useable for recreational activities and free from wetlands, steep slopes and other limiting features.

**§ 150-60 Non-Residential Uses**

No part of any RV Park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and wellbeing of campers and for the management and maintenance of the park. Neighborhood commercial uses, not visible from any public road right-of-way such as stores designed to serve the needs of campers may be permitted.

**ARTICLE IX - ADMINISTRATION**  
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**§ 150-61 Purpose**

This Article XI establishes the procedures for the administration, amendment and enforcement of this Ordinance.

**§ 150-62 Amendment**

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

**§ 150-63 Waivers/Modifications**

A. Intent; Hardship; Alternative Methods; Public Interest

- (1) Intent - The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare.
- (2) Hardship - If compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Township, to be unreasonable, or to cause undue hardship as it applies to a particular property, the Township may grant a waiver or modification from such mandatory provision to permit the reasonable use of the property. Hardship shall be determined by applying the following criteria:
  - (a) An unnecessary hardship should be established upon a finding of fact.
  - (b) The particular hardship must stem from this Ordinance.
  - (c) The situation must be unique, not one shared similarly by other properties in the neighborhood.
  - (d) The hardship cannot be self-created.
  - (e) Hardship is not to be construed to mean that less profit will be made under the existing ordinance than might be realized with the granting of a variance.
  - (f) The hardship must be suffered by the parcel of land under question and not by other parcels owned by the applicant or suffered by the community as a whole.
  - (g) And finally, if this Ordinance was in effect at the time of the purchase of the parcel of land under question, the condition of the parcel itself or the neighborhood must have changed since the time of purchase. The changed condition must have a unique bearing on the parcel under question.
- (3) Alternative Methods - If the applicant shows to the satisfaction of the Township that an alternative proposal will allow for equal or better results, a modification of a particular standard may be granted.
- (4) Public Interest; Effect - The granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance or otherwise compromise the public interest.

B. Conditions - In granting waivers/modifications the Township may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

C. Procedure - All requests for waivers/modifications shall be in writing, shall accompany and be a part of the development application, and shall include:

- (1) The specific sections of this Ordinance that relate to the waiver request.
- (2) Provisions for the minimum modification necessary as an alternate to the requirements.
- (3) Justification for the waiver/modification including the full grounds and facts of unreasonableness or hardship.

D. Action - If the Township denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Township grants the request, the final record plan shall include a note that identifies the waiver/modification as granted. In any case, the Township shall keep a written record of all actions on all requests for waivers/modifications.

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**§ 150-64 Penalties for Violations**

**A. Preventive Remedies**

- (1) In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (2) The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - (a) The owner of record at the time of such violation.
  - (b) The vendee or lessee, or the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

**B. Enforcement Remedies**

- (1) Any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Herrick Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or 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 Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the 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.
- (2) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

**C. Jurisdiction** - Magisterial District Judges shall have initial jurisdiction in proceedings brought under Article IX.

**D. Transfer** - The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

**E. Construction** - In the case of subdivisions, no person shall proceed with any development, site grading or construction of improvements prior to the approval of a preliminary plan in accord with this Ordinance. In the case of land developments, no person shall proceed with any development, site grading or construction of improvements prior to the authorization to proceed issued in accord with the requirements herein. No deeds shall be executed or recorded for the transfer of any lots or units which are subject to the provisions of this ordinance before the Township has approved the Final Plan and such Plan is filed with the Susquehanna County Recorder of Deeds.

**§ 150-65 Fees**

**A. Establishment of Fees** - Fees to be paid by the Applicant shall be established by resolution of the Township to cover all costs incurred by the Township associated with the processing and review of all plans and documents and all plan and document revisions. Such



**ARTICLE IX - ADMINISTRATION**  
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cost may include, but not be limited to, administrative costs and the reasonable and necessary charges by the Township's professional consultants as defined and authorized by §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code. Professional consultants shall include, but shall not be limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, and planners.

- B. Application Fees - At the time of the filing of any application, the Applicant shall pay to the Township, made payable to "Herrick Township," a fee sufficient to cover the administrative costs associated with the review of the application.
- C. Review and Inspection Fees - At the time of the filing of any application, the Applicant shall pay to the Township a fee deemed sufficient to cover the cost of:
  - (1) Reviewing compliance with ordinance and engineering details.
  - (2) Inspecting the site for conformance.
  - (3) Evaluating cost estimates of required improvements.
  - (4) Inspection of required improvements during installation.
  - (5) Final inspection or reinspection on completion of installation of required improvements.
  - (6) Fees charged for other related consulting services.
- D. Supplemental Fees and Adjustment - The Township may require an escrow or other security for review fees by professional consultants as defined in the Municipalities Planning Code, as amended. If the review fees collected at the time of application are not sufficient to cover the cost of engineering services and other related professional consulting services incurred by the Township, an additional fee shall be collected from the Applicant prior to any action on the plan. If after Planning Commission action on the plan, any review fees remain, there shall be a refund made to the Applicant of the balance within thirty (30) days of action on the plan.
- E. Disputes - Disputes between the Applicant and the Township regarding fees shall be settled pursuant to §503(1) and §510(g) of the Pennsylvania Municipalities Planning Code, as amended.
- F. Failure to Pay Fees - Any failure by the Applicant to pay any required fees shall be deemed a violation of this Ordinance and shall make null and void any approval granted by the Township.

**§ 150-66 Records**

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

**ARTICLE X - ADOPTION**  
**Herrick Township Subdivision and Land Development Ordinance - 2024**

This amendment to Ordinance Number \_\_\_\_\_ordained and enacted this \_\_\_\_day of \_\_\_\_\_2024, by the Board of Commissioners of Susquehanna County, Pennsylvania, to be effective immediately.

\_\_\_\_\_  
Chairman, Board of Supervisors

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

ATTEST:

\_\_\_\_\_  
Township Secretary