

Subdivision and Land Development Ordinance

**ADOPTED APRIL 19, 2017
LAST REVISED APRIL 1, 2019**

LEGISLATIVE HISTORY

ORDINANCE 1019

An Ordinance Amending And Restating In Its Entirety Chapter 312 (Subdivision And Land Development) Of The Codified Ordinances Of South Whitehall Township, Lehigh County, Pennsylvania, To Establish New Subdivision And Land Development Regulations, Providing For A Title, Purpose And Authority For The Regulations, Providing For Definitions Of Terms, Providing For General Plan Submission Procedures And Requirements For Sketch Plans, Preliminary Plans And Final Plans For Both Major Plans And Minor Plans, Providing For The Required Content, Drawing Guidelines And Drawing Requirements For Various Plan Submissions, Providing For Improvements Agreements, Guarantees, Inspections, Financial Security And Acceptance Of Improvements, Providing For Design Standards For Required Improvements, Including But Not Limited To Courses Of Travel, Standards For Blocks, Lots, Parking, Open Space, Community Facilities, Sidewalks, Trails, Easements, Landscaping, Screening, Water Supply, Sewage Disposal, Grading, Dedication Of Recreation Lands And Fees In Lieu Thereof, Shade Trees And Lighting, Providing For General Administration Standards, Including Penalties, Remedies, Modifications And Waivers, Providing For Mobile Home Park Regulations And Providing For A Repealer, A Severability Clause And For An Effective Date

ORDINANCE 1043

An Ordinance Amending The Codified Ordinances Of South Whitehall Township, Chapter 312, Otherwise Referred To As The South Whitehall Township Subdivision And Land Development Ordinance, (1) Amending Section 312-23(b), Minor Plan Drawing Requirements, To Include The Requirements For Preliminary Plan To Include An Index Sheet, Street Addresses And Landscaping Plan Sheet; (2) Amending Section 312-10(a), Sketch Plan Submission Requirements, To Include The Requirements For Proof Of Plan Transmittal To LANTA And US Postal Service; (3) Amending Section 312-12(b)(41) To Correct An Obsolete Reference; (4) Amending Section 312-22(f)(1) To Correct A Formatting Error; (5) Amending Section 312-36(c)(4)(C) To Insert A New Provision Regarding The Permitted 0-Foot Offset For Driveways Opposite An Intersecting Street; (6) Amending Section 312-6, General Terms, Numerous Subsections Within Section 312-36(d)(4), Open Space And Community Facilities, And Section 312-52 Design Standards To Create A Consistent Concept Of Open Space; And Providing A General Repealer, Severability Clause, And Effective Date

TABLE OF CONTENTS

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE		
ARTICLE I	TITLE, SHORT TITLE, PURPOSE AND VALIDITY	
312-1	Title	1
312-2	Short Title	1
312-3	Purpose	1
312-4	(Intentionally Left Blank)	2
312-5	Conflict	2
ARTICLE II	DEFINITIONS	
312-6	General Terms	3
ARTICLE III	SUBMISSION PROCEDURES & REQUIREMENTS FOR MAJOR PLANS	
312-7	Applicability	14
312-8	Types of Plans	14
	a Sketch Plan	14
	b Preliminary Plan	14
	c Final Plan	14
	d Preliminary/Final Plan	14
312-9	Sketch Plan – Submission Procedure	14
	a Submission	14
	b Department of Community Development Action	14
	c Public Notification by the Township	15
	d Nature of Opinion	16
312-10	Sketch Plan – Submission and Drawing Requirements	16
	a Submission Requirements	16
	b Drawing Guidelines	17
312-11	Preliminary Plan – Submission Procedure	18
	a Submission	18
	b Department of Community Development Action	18
	c Public Notification by the Township	19
	d Township Planning Commission Action	19
	e Township Board of Commissioners Action	20
	f Nature of Approval by the Township Board of Commissioners	20
312-12	Preliminary Plan – Submission and Drawing Requirements	21
	a Submission Requirements	21
	b Drawing Requirements	24
312-13	Final Plan – Submission Procedure	29
	a Submission	29
	b Department of Community Development Action	29
	c Public Notification by the Township	30
	d Township Planning Commission Action	30
	e Township Board of Commissioners Action	31
	f Recording Approved Plan	32

312-14		Final Plan – Submission and Drawing Requirements	33
	a	Submission Requirements	33
	b	Drawing Requirements	34
312-15		Record Utility Plans – Submission and Drawing Requirements	35
	a	Submission Requirements	35
312-16		Compliance to Ordinance	36
ARTICLE IV		SUBMISSION PROCEDURES & REQUIREMENTS FOR MINOR PLANS	
312-17		Applicability	37
312-18		Types of Plans	37
	a	Sketch Plan	37
	b	Minor Plan	37
312-19		Sketch Plan - Submission Procedure	37
	a	Submission	37
	b	Department of Community Development Action	37
	c	Public Notification by the Township	38
	d	Nature of Opinion	39
312-20		Sketch Plan – Submission and Drawing Requirements	39
	a	Submission Requirements	39
	b	Drawing Guidelines	39
312-21		General Requirements	40
312-22		Minor Plan – Preliminary/Final Submission Procedure	41
	a	Submission	41
	b	Department of Community Development Action	41
	c	Public Notification by the Township	42
	d	Township Planning Commission Action	42
	e	Township Board of Commissioners Action	43
	f	Nature of Approval by the Board of Commissioners	44
	g	Recording Approved plan	44
312-23		Minor Plan – Submission and Drawing Requirements	45
	a	Submission Requirements	45
	b	Drawing Requirements	47
312-24		Record Utility Plans – Submission and Drawing Requirements	51
	a	Submission Requirements	51
312-25		Compliance to Ordinance	52
ARTICLE V		REQUIRED IMPROVEMENTS, AGREEMENT(S) AND INSPECTION(S) FOR ALL SUBDIVISIONS	
312-26		Required Improvements	53
312-27		Agreement or Contract and Performance Security	54
312-28		Construction Observation	58
312-29		Release of Performance Security	61
312-30		Release of Maintenance Security	62
312-31		Dedication of Required Improvements	62
312-32		Failure to Comply	63

312-33		Sale or Leasing of Lots or Space, Erecting Buildings	63
ARTICLE VI		LOCATION AND STANDARDS OF IMPROVEMENTS FOR ALL SUBDIVISIONS	
312-34		General Principles	64
312-35		Courses of Travel	65
	a	General Requirements	65
	b	Streets	66
	c	Alleys	72
	d	Recreation Trails and Bicycle Paths	73
312-36		Block, Lot, Parking, Driveway, Open Space, Community Facilities, Electric Utilities, and Monuments	73
	a	Block Standards	73
	b	Lot Standards	74
	c	Driveways	74
	d	Open Space and Community Facilities	76
	e	Electrical Utilities	83
	f	Monuments	83
312-37		Water Supply and Distribution and Fire Protection	84
312-38		Sanitary Sewers	86
312-39		Storm Drainage	87
	a	General Requirements	87
	b	Collection System	88
	c	Swales	90
	d	Detention Basins	90
	e	Soil Erosion and Sedimentation Control	91
	f	General Design Standards	92
312-40		Shade Trees	93
	a	Species of Trees Permitted	93
	b	Tree Specifications	93
	c	Tree Location	93
	d	Maintenance	94
312-41		Other Required Improvements	94
	a1	Lighting	94
	a2	Noise Absorption	95
ARTICLE VII		ADMINISTRATION	
312-42		Revision and Amendment	96
312-43		Sale or Leasing of Lots or Space, Erecting Buildings	96
312-44		Conflict of Interest	97
312-45		Relationship to Other Provisions of Law	97
312-46		Violations and Penalties	97
	a	Enforcement Remedies	97
	b	Preventative Remedies	97
312-47		Repealers	98

312-48		Modifications and Waivers	98
312-49		Special Requirements for Subdivision Improvements	101
ARTICLE VIII		MOBILE HOME PARK REGULATIONS	
312-50		Mobile Home Parks	102
312-51		Review and Approval Procedure	102
312-52		Design Standards	102

ARTICLE I**TITLE, SHORT TITLE, PURPOSE AND VALIDITY****312-1 TITLE**

An ordinance establishing rules, regulations and standards governing the subdivision and land development within the Township of South Whitehall, Lehigh County, Pennsylvania, setting for the procedure to be followed by the Planning Commission and the Board of Commissioners in applying and administering these rules, regulations and standards, and setting forth the penalties for the violation thereof.

312-2 SHORT TITLE

These regulations may be known and may be cited as “The South Whitehall Township Subdivision and Land Development Ordinance”.

312-3 PURPOSE

The purpose of these regulations shall be to provide rules and standards to guide subdivision and land development activity within the Township of South Whitehall, Lehigh County, in order to:

(a) Create conditions promoting the general health, safety, morals and welfare of the citizens of the Township by:

- (1) Ensuring sites suitable for building purposes and human habitation.
- (2) Providing for the harmonious development of the Township.
- (3) Securing adequate sites for recreation, conservation, historic, scenic and other open space purposes.
- (4) Providing for proper distribution of population.
- (5) Facilitating the efficient movement of traffic.
- (6) Encouraging well-planned subdivisions by establishing adequate standards for design and improvement.
- (7) Improving land records by establishing standards for surveys and plans.
- (8) Safeguarding the interests of the public, the homeowner, and the subdivider.
- (9) Securing equitable handling of all subdivision plans by providing uniform procedures and standards.
- (10) Providing for the submittal and processing of plats and specifications for such plats, including provisions for preliminary and final approval and for processing of final approval by stages or sections of development.
- (11) Providing regulations for insuring that the layout or arrangement of the subdivision or land development conforms to the Comprehensive Plan and to regulations or

maps adopted in furtherance thereof; streets in and bordering a subdivision or land development shall be coordinated, and be of such width and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection; adequate easements or rights-of-way shall be provided for drainage and utilities; reservations, if any, by the developer of any area designated for use as public grounds shall be of suitable size and location for their designated uses; and land which is subject to flooding, subsidence, or underground fires shall be made safe for the purpose for which such land is proposed to be used or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.

(12) Providing regulations governing the standards by which streets shall be graded and improved and walkways, curbs, gutters, street lights, fire hydrants, water and sewerage facilities and other improvements shall be installed as a condition precedent to final approval of plats.

(13) Providing regulations which take into account land development not intended for the immediate erection of buildings where streets, curbs, gutters, street lights, fire hydrants, water and sewer facilities and other improvements may not be possible to install as a condition precedent to final approval of plats, but where final approval may be given after the developer provides the Township with acceptable financial Performance Security in an amount sufficient to cover the costs of all required improvements for the phase of the proposed development which is under consideration for final approval.

312-4 Intentionally left blank

312-5 CONFLICT

The provisions of this Ordinance shall be held to be minimum standards or requirements to meet the above stated purposes. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall apply. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulation shall apply.

ARTICLE II
DEFINITIONS

312-6 GENERAL TERMS

(a) As used in these Regulations, words in the singular include the plural and those in the plural include the singular. The word PERSON includes an individual, estate, trust, firm, corporation, partnership, company, association, incorporated association or government entity and any department, board, bureau or agency thereof, and any other legal entity which is recognized by law and shall include trustees, receivers, assignees, and similar representatives or entities. The word BUILDING includes structure and shall be construed as if followed by the phrase "OR PART THEREOF". The word WATERCOURSE includes channel, creek, ditch, drain, dry run, swale, spring and stream. The words MAY and SHOULD are permissive, the words SHALL, WILL, and MUST are mandatory.

The phrases "SHALL BE APPROVED BY" and "SHALL BE SUBMITTED FOR APPROVAL", et al, do not constitute mandatory approval by an agency or governing body but do mean that the item submitted shall be done to the standards acceptable by the agency and that the agency after reviewing the items finds it acceptable in every detail.

The terms "such as", "including" and the like are intended to introduce matters which are illustrative of the meaning of the sentence, clause or phrase in which such terms appear without limiting or derogating from the general application of the sentence, clause or phrase in which such terms appear. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character and is considered interchangeable with the phrase "including but not limited to".

In addition to the definitions in this article, additional definitions in this or other ordinances, applicable regulations, or appendices thereto may apply or be called into application by reference. In case of conflict, the more stringent or restrictive definition shall apply.

ABUT - Any parcel, feature or improvement which is contiguous at any point to another parcel, feature or improvement.

ACTIVE RECREATION - Uses involving leisure time activities and/or areas, typically involving sports, requiring equipment, or occurring at prescribed sites or fields, (e.g., soccer, football, baseball, tennis, swimming, fitness trails, and the like).

ADJACENT - Any parcel, feature or improvement which is on the opposite side of a section of a Street (public or private) on which the subject parcel, feature or improvement has frontage.

AGENT - Any person other than the Applicant, authorized to act for the Applicant, including but not limited to a consultant, contractor, subcontractor, representative, licensee or invitee, who, acting for the Applicant, submits to the Township an application for development and/or subdivision or land development plans for the purpose of obtaining review or approval thereof.

APPLICANT - A landowner, developer, contract purchaser (equitable owner), or his, her or its authorized Agent who has filed a complete application for subdivision and/or land development, including his, her or its heirs, executors, personal representatives, successors, assigns and grantees. Also includes the terms Developer and Subdivider as used in these Regulations.

APPLICATION and APPLICATION FOR DEVELOPMENT - Every application, for subdivision or land development, whether sketch, preliminary or final, either recommended (sketch), or required (preliminary and final) to be filed and approved prior to the start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plat or plan, or for approval of a land development plan, including the application form itself, all plan sheets, storm water flow calculations and all other calculations, reports and studies required to be submitted by these Regulations or applicable regulation.

APPROVAL - The official sanction of plans by an agency, commission or governing body acknowledged by the signatures of authorized representatives.

CARTWAY - That portion of the Street designed for vehicular traffic.

COMPREHENSIVE PLAN - The official plan, prepared under the direction of the Township Planning Commission, containing recommendations for the continuing development of the Township and including as a minimum, a statement of objectives, plans for land Use, circulation, community facilities and a statement of the relationship of proposed development of adjacent areas.

CONSTRUCTION ACTIVITIES -

- (a) As applied to land, any change in topography as a result of the moving of soil and rock from one location or position to another; also the changing of surface conditions by causing the surface to be more or less impervious; or any change which would alter the type or method of wastewater disposal system; any land disturbance.
- (b) As applied to buildings or other structures, any change or rearrangement, other than a repair, in the supporting members of an existing building such as bearing walls, columns, beams, or girders, as well as any change in exterior doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or moving of a building or structure from one (1) location to another.

COORDINATED DEVELOPMENT - Two (2) or more uses permitted in the appropriate Zoning District Schedules that are developed in accordance with a unified site plan and architectural scheme, and are either in a single ownership or are legally bound to conform to the aforementioned required unified site plan and architectural scheme.

COUNTY PLANNING COMMISSION - The Lehigh Valley Planning Commission.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at every intersection of a public street, private street or commercial driveway with a public street defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

CROSSWALK - A right-of-way dedicated to public use to facilitate pedestrian access through a subdivision block.

DEVELOPER - See Applicant.

DRIVEWAY - A vehicular passageway from a public Street, Alley, or Private Street that leads to a Parking Area or Parking Space.

DWELLING UNIT - A single residential unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, categorized into the following types:

ATTACHED DWELLING UNITS - Multiple Dwelling units, whereby all Dwelling units are structurally attached to at least one other Dwelling unit.

MULTI-UNIT DWELLING UNITS -

APARTMENT - Attached Dwelling Units divided both horizontally and vertically.

TOWNHOUSE - Attached Dwelling Units divided vertically.

THREE- FLAT - Three-unit Attached Dwelling Units divided horizontally. Three Flats are generally characterized by three dwelling units, each occupying one floor, served by a single street-facing outside entrance which accesses the lower floor's interior entrance and a stairwell leading to the upper floors' interior entrances. Separate rear entrances may be provided for each dwelling unit.

TWO-UNIT DWELLING - A Building containing two (2) Dwelling units.

TWIN - Two Attached Dwelling Units divided vertically.

TWO-FLAT - Two Attached Dwelling Units divided horizontally. Two-Flats are generally characterized by two dwelling units, each occupying one floor, served by a single street-facing outside entrance which accesses the lower floor's interior entrance and a stairwell leading to the upper floor's interior entrance. Separate rear entrances may be provided for each dwelling unit.

SINGLE DETACHED DWELLING UNIT - A single unit, not structurally attached to any other Dwelling units, providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Includes Manufactured Home and Industrialized Housing Unit.

EASEMENT - A right to land generally established in a real estate deed to permit the use of land by the public, a corporation, or particular persons for specified uses.

FINANCIAL SECURITY - Performance Security and Maintenance Security, as applicable.

HAZARDOUS CONDITION - Any condition that is hazardous to life, health or property or which would render property uninhabitable until such hazard is removed or safeguarded.

HISTORIC RESOURCE - A site, object, Building, Historic Structure, monument or landmark that is listed on the National Registry of Historic Places or designated by the Township Board of Commissioners as a Historic Resource having unique historical, architectural, or patriotic interest or value.

HOMEOWNERS' ASSOCIATION - A non-profit organization of homeowners or property owners, planned and operated pursuant to the Pennsylvania Uniform Planned Community Act (68 Pa.C.S. §§ 5101 et. seq.) or the Pennsylvania Uniform Condominium Act (68 Pa. C.S. §§ 3101 et. seq.) under approved rules and regulations, for the purpose of administering to the needs of residents through the maintenance of community-owned property or facilities.

IMPERVIOUS COVERAGE - Any surface or material which is impenetrable or unable to absorb water, or allow for groundwater recharge, including but not limited to buildings, structures, roof overhangs, and paved areas including parking areas, driveways, streets, sidewalks, and other such areas in concrete, stone, or asphalt. In addition, other areas determined by the Township Engineer to be impervious within the meaning of this definition shall also be considered as contributing to total impervious cover.

IMPROVEMENTS - Any and all physical improvements, additions, changes enhancements, augmentations, conditions, common amenities and facilities to the land (whether or not the same are intended to be offered for dedication). Improvements shall include, but not be limited to streets (including but not limited to: curbing, base course, binder course, wearing course, sub-base, excavation to rough grade, saw cutting and milling), erosion and sedimentation control facilities (including but not limited to: any proposed temporary E&S measures, rock construction entrance(s), silt fences, tree protection fences, baffles, temporary seeding of stockpiles, matting and inlet protection), stormwater management facilities (including but not limited to: swales, piping, inlets, manholes, end walls, head walls, outlet structures, level spreaders, detention basins (including topsoil and seeding), catch basins, fencing around

detention basins, swale grading, stone backfill, anti-seep collars, rip-rap and conversion from sedimentation basins), landscaping (including but not limited to: deciduous trees, evergreen trees, evergreen shrubs, perennials/grasses and buffer and screening plantings) street trees, street lights, recreation paths and sidewalks (including but not limited to: excavation to rough grade and materials) walking paths and gazebos, corner iron pins and concrete monuments, striping and signage (traffic signs, street signs, etc.), utility trenching/installation for phone, cable, electric, etc., including backfill material, open space and recreation area improvements, clearing and grubbing, replacement of topsoil, traffic control signage and site preparation.

LAND DEVELOPMENT - any of the following activities:

- (a) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (i) 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
 - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (b) A subdivision of land.

LEASED UNIT - A building or a portion of a building or a lot or a portion of a lot which is leased or rented within a subdivision.

LOT - A designated parcel, Tract or area of land held in single and separate ownership, and established by a plat or otherwise as permitted by law, occupied by or which may be occupied by a Use, Structure, or Building and its Accessory Building or Buildings and including the yard and other Open Space required by the Township's Zoning Ordinance. Lot shall also mean parcel, plot, site, or any similar term.

LOT AREA - An area of land which is determined by the Lot lines of an individual Lot and expressed in terms of square feet or acres. Any portion of a Lot included within the Street Right-of-Way shall be excluded from the calculation of Lot Area.

LOT LINE ADJUSTMENT -- see definition of Resubdivision

MAINTENANCE SECURITY - An irrevocable letter of credit, cash escrow or other manner of financial guaranty permitted by the MPC in an amount equal to fifteen percent (15%) of the estimated cost of the Required Subdivision Improvements, as security for the structural integrity and proper operation and maintenance of the Required Subdivision Improvements.

MANUFACTURED HOME - A Structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet in width or 40 body feet in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a Dwelling (Single Detached Dwelling Unit) with or without a permanent foundation when connected to the required Utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any Structure which meets the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Home Construction and Safety Standards Act of 1974 (42 U.S.C.A. § § 5401-5426).

MOBILE HOME - A transportable, single -family dwelling, intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing; which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For purposes of this Ordinance, travel trailers are not considered as mobile homes.

MOBILE HOME PARK - A parcel of land which has been planned and improved for the placement of mobile homes and manufactured homes occupied for dwelling or sleeping purposes and for non-transient use.

MOTEL - A facility, which contains two or more guestrooms and provides lodging to guests for compensation, where at least twenty-five (25) percent of all rooms have direct access to the outside without the necessity of passing through the main lobby of the Building, and which may have a Restaurant and other services as a part of the compensation, which may be provided with one or more of the following: accessory off-street parking facilities, restaurant, swimming pool, meeting room and other accessory facilities. The term motel includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile or immobile trailers.

MULTI-FAMILY - Same as multiple family.

MULTIPLE FAMILY DWELLING - A building providing separate units for three (3) or more families, including apartments as defined by the Township Zoning Ordinance.

MUNICIPALITIES PLANNING CODE (MPC): The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. §§10101, et seq.

MUNICIPALITY - Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

OPEN SPACE - A Lot, or portion thereof, of land or water, essentially unimproved and set aside, designated, or reserved for public or private Use or for the Use and enjoyment of owners, occupants, and their guests.

OPEN SPACE, PRIME – Open Space that meets the minimum requirements for both Common Open Space, as described in Section 312-36(d)(4)(B)(ii), and Prime Open Space, as described in Section 312-36(d)(4)(B)(iii).

OFFICIAL MAP - The Official Map of South Whitehall Township, dated May 26, 2010, or as amended from time to time.

OFF-STREET PARKING SPACE - A space not less than 166.5 square feet required to park one passenger vehicle and which area shall be measured exclusive of access drives.

OWNER - The owner of record of a parcel of land.

PERFORMANCE SECURITY - An irrevocable letter of credit, cash escrow or other manner of financial guaranty permitted by the MPC guarantying the full and proper construction, erection, installation, completion and inspection of the Required Subdivision Improvements and other obligations undertaken by the Applicant with respect to the Applicant's Plans and related submissions, the development of the Applicant's Lot as described or shown on the Plan, the resolution ultimately approving the Plans, the Township's regulations, the Requirement Subdivision Improvements and agreements executed by the Applicant or relating to any of the foregoing.

PERMANENT MONUMENT - Any structure of masonry permanently placed in the ground, including any expressly placed for surveying reference.

PLAN - A "Plan" as used in these regulations, shall be a map of certain described land showing land boundaries together with all data essential to the description and identification of the units shown thereon and prepared as an instrument for recording of real estate interests with the County Recorder of Deeds.

PLAN, SKETCH - The sketch map or maps of a proposed subdivision drawn and submitted in accordance with the requirements of these regulations.

PLAN, PRELIMINARY - The preliminary map or maps of a proposed subdivision drawn and submitted in accordance with the requirements of these regulations and including all necessary supporting documents.

PLAN, FINAL - A complete and exact subdivision map prepared for official recording and drawn and submitted in accordance with the requirements of these regulations and including all necessary supporting documents.

PLAN, RECORD - The copy of the Final Plan which contains the original endorsements of the Township Planning Commission, Board of Commissioners, and County Planning Commission, and which is intended to be recorded with the County Recorder of Deeds.

PLAN, "AS-BUILT" - An "As-Built" plan is an original contract, layout, or subdivision plan which has been revised to show the actual final locations, dimensions, et cetera, of buildings and/or municipal improvements actually constructed, lot lines and/or street lines.

REQUIRED SUBDIVISION IMPROVEMENTS - Those Improvements for which the Applicant must deliver Performance Security and/or Maintenance Security pursuant to these Regulations and/or other governmental entity or authority with jurisdiction over the Application.

RESUBDIVISION -

- (a) A proposal between two abutting, existing, legally approved and recorded lots.
- (b) A common lot line is proposed to be adjusted in terms of its location or configuration.
- (c) The land area of each lot may be different after adjustment, but the total lot area of the two lots will be unchanged.
- (d) No alteration will occur to the perimeter boundary lines.
- (e) Neither lot will violate the applicable dimensional requirements of the Zoning Ordinance as a result of the lot line adjustment, or appropriate relief has been granted by the Zoning Hearing Board.
- (f) Possible reasons for lot line adjustments include but are not necessarily limited to:
 - (1) Correcting errors regarding locations of existing improvements (e.g., if the driveway for Lot No. 1 is located on Lot No. 2).
 - (2) Relating the line to definitive physical characteristics (e.g., to adjust the line to run along an existing hedgerow).

(3) Preferences of the landowners involved.

REVIEW - The official examination of plans of subdivisions as required by law by appropriate agencies, Commissions, and bodies and designated by the signature of an authorized representative.

SAFE SIGHT DISTANCE - The distance along a public or private Street in which a driver of a stopped vehicle on a driveway, access drive or intersecting Street needs to safely pull out and enter onto the main road. See Pennsylvania Code, Title 67, transportation, Chapter 441, "Access to and Occupancy of Highways by Driveways and Local Roads".

SETBACK - A Setback denotes the minimum distance between a Use, Building or Structure, and a Lot Line, boundary, natural feature or Right-of-Way line. The name of the Setback or other accompanying words shall identify the particular Lot Line, boundary, feature, or Right-of-Way line involved.

STREET - Any avenue, boulevard, road, lane, parkway, viaduct, or other way for the movement of vehicular traffic which is an existing state, county, township roadway, or way shown upon a plan and includes the land between street or right-of-way lines, whether unimproved or improved, with pavement, gutters, sidewalks, parking areas and other areas within the right-of-way.

- (a) **ALLEY**. A thoroughfare having Right-of-Way width of twenty (20) feet or less, regardless of how named, providing rear and/or side access to Lots. Alleys shall not be considered fronting streets.
- (b) **ARTERIAL STREET OR HIGHWAY**. A major regional or local highway including an expressway, freeway, interstate or intrastate highway as well as selected suburban or rural streets which are designed to carry large volumes of vehicular traffic through the minimization of access points and provision of passing and/or turning lanes.
- (c) **COLLECTOR STREET**. A street or road designed to carry vehicular traffic between one or more residential or nonresidential areas and a major system of arterial streets and highways, or from one part of a municipality to another part of that same municipality.
- (d) **CUL-DE-SAC**. A short dead-end street terminating in a vehicular turn around area.
- (e) **LOCAL STREET**. A street or road designed to carry vehicular traffic from one or more individual residential or nonresidential units to or from a Collector Street.

- (f) STUB STREET. A street or road extending from within a subdivision boundary and terminating therein with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adequate connecting street system.
- (g) PRIVATE STREET. Streets that have not been accepted by the Township for dedication.

STREET RIGHT-OF-WAY - That portion of land dedicated to public use for street or utility purposes.

STREET TRAVEL LANE - the designated width of roadway pavement to carry through traffic and to separate it from opposing traffic, traffic occupying other travel lanes, a parking lane or the shoulder. The travel lane may be designated by pavement markings. If the travel lane is not designated on both sides by pavement markings, the travel lane shall be twelve (12) feet in width as measured from an adjoining pavement marking or from the centerline of the road or from the edge of another travel lane (should the road contain more than two unmarked travel lanes). The inner edge of the travel lane is always closest to the centerline of the street; the outer edge of the travel lane is always the most distant from the centerline of the street.

STRUCTURE - Any man-made object constructed or erected on or in the ground or water or upon another Structure or Building and having an ascertainable stationary location. This definition shall not include walks or Driveways as Structures.

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 division of land including changes in existing lot lines for the purpose, whether immediate or future, of the 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 purpose into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. For the purpose of these regulations, the term Subdivision shall also include, but not be limited to the following:

- (a) RESUBDIVISION
- (b) MOBILE HOME PARK
- (c) SUBDIVISION, MINOR
- (d) SUBDIVISION, MAJOR

SUBDIVISION, MAJOR - All subdivisions, including land developments not classified as minor subdivisions or resubdivisions.

SUBDIVISION, MINOR - Any subdivision for residential purposes only, containing no more than five (5) lots and not requiring any new street or road or involving the extension of any municipal or other centralized sewage disposal or water supply services and not involving significant stormwater and/or erosion control issues. The Board of Commissioners may require a standard major plan submission in place of a minor plan when conditions warrant it, at the advice of the Township Planning Commission.

TOWNSHIP - The Township of South Whitehall in Lehigh County, Pennsylvania.

TOWNSHIP ENGINEER - The Engineer for the Township of South Whitehall.

TOWNSHIP MANAGER - The Manager of South Whitehall Township as appointed by the Board of Commissioners. In the event of a vacancy in the Township Manager's office, the Township employee that has assumed the role of acting manager shall be deemed to be the Township Manager for purposes of these Regulations.

TOWNSHIP STANDARD CONSTRUCTION DOCUMENTS - The Township and Township Authority's standard construction specifications and standard construction details as adopted, and as amended from time to time, by the Township and/or Authority.

TRACT - A parcel of land, the dimensions and extent of which are determined by the latest official records or by the latest approved recorded map of a subdivision of which the tract is a part. A tract may include lands covered by more than one legal description.

TRAIL - A path constructed for pedestrian, biking and other non-motorized forms of travel, including any ancillary furnishings, that is constructed to a standard approved by South Whitehall Township and confined within an Easement or Right-of-Way.

ARTICLE III

SUBMISSION PROCEDURES AND REQUIREMENTS FOR MAJOR PLANS

312-7 APPLICABILITY

The standards, requirements, and procedures contained in this Article shall govern the filing and processing of all applications for major plans.

Major plans shall be submitted and processed for all plans other than minor plans.

312-8 TYPES OF PLANS

All applications for subdivision and/or land development shall be classified as sketch plans, preliminary plans, or final plans as further regulated herein. For minor plans see the requirements in Article IV.

(a) Sketch plan. The Applicant has the option and is strongly encouraged to submit a Sketch Plan for any subdivision or land development proposal, in accordance with the requirements of 312-10(a), Sketch Plan submission requirements, and 312-10(b), Sketch Plan drawing guidelines.

(b) Preliminary plan. A preliminary plan is required to be submitted for all proposals for major plans, except for those which qualify as minor plans, in accordance with the requirements of 312-11, Preliminary plan submission procedure and 312-12, Preliminary plan submission and drawing requirements.

(c) Final plan. A final plan is required to be submitted for all proposals for major plans, except for those which qualify as minor plans, in accordance with the requirements of 312-13, Final plan submission procedure and 312-14, Final plan submission and drawing requirements.

(d) Preliminary/Final plan. A combined Preliminary/Final plan may be submitted for any proposal for major plan, except for those which qualify as minor plans, in accordance with the requirements of 312-11 and 312-13, Preliminary and Final plan submission procedures and 312-12 and 312-14, Preliminary and Final plan submission and drawing requirements.

312-9 SKETCH PLAN - SUBMISSION PROCEDURE

(a) Submission: The sketch plan stage is designed to offer the Applicant an opportunity to informally discuss his plans for a proposed major plan with the Township Planning Commission and Township Engineer. The plan will be reviewed for general scope and layout, for conformity with applicable Township requirements and the Township Comprehensive Plan, and for conditions which might affect the implementation of the subdivision. An Applicant seeking a sketch plan review shall submit the required number of prints of the sketch plan and all required supporting documents as specified in Section 312-10 to the Department of Community Development.

(b) Department of Community Development Action:

(1) The Department of Community Development shall issue a receipt for the sketch plan submission.

(2) After issuing a submission receipt, the Department of Community Development shall:

(A) Transmit one (1) print of the plan to each municipality in which the subdivision is located or is adjoining for review and comment.

(B) Transmit three (3) prints of the plan and one (1) copy of all supporting documents to the Township Engineer for review and comments.

(C) Transmit one (1) print of the plan to the Township Zoning Officer for review and comment.

(D) Transmit one (1) print of the plan to the Township Fire Inspector for review and comment.

(E) Transmit one (1) print of the plan to the Public Works Department for review and comment.

(F) Transmit one (1) print of the plan and one (1) copy of all supporting documents to the South Whitehall Township Authority for review and comment.

(3) The Department of Community Development shall refer the sketch plan, the supporting documents, and any review comments of the reviewing bodies to the Township Planning Commission and shall place the sketch plan review request on the agenda of the next regularly scheduled meeting of the Planning Commission provided that the Applicant has submitted a complete application prior to the submission deadline for the next Planning Commission Meeting.

(4) The Department of Community Development shall notify the Applicant of the scheduled Township Planning Commission meeting and the need for said Applicant to be represented at said meeting in order to present his plans to the Planning Commission and to discuss the plan with the Commission members.

(c) Public Notification by the Township:

(1) The Township shall make every reasonable attempt to publish a public notice in a newspaper of general circulation in the Township once each week for two successive weeks. 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 Planning Commission hearing. Such notice shall state:

(A) The time, location, and date of the scheduled Township Planning Commission meeting.

(B) The location of the subdivision.

(C) The proposed land use of the subdivision.

(D) The total acreage of the subdivision and the number and range in size of the individual lots, if applicable.

(E) That a copy of the plan may be inspected in the Department of Community Development Office.

(2) Not less than ten (10) days prior to the scheduled Township Planning Commission meeting, the Township shall make every reasonable attempt to give notice by first class mail to all property owners as shown on the most recent tax records to be holding title to property within three hundred (300) feet of any boundary of the subdivision. The notice shall include the information required by Section 312-9(c)(1) to be included in the published public notice.

(d) Nature of Opinion: The providing of an opinion regarding a sketch plan by the Township Planning Commission shall not constitute preliminary approval of a plan but rather an expression of the Planning Commission's opinion of the layout submitted to be used as a guide to the preparation of the preliminary plan. Such an opinion does not authorize the installation of any improvements nor the selling or transfer of any lots nor the leasing or renting of any space. The official time period for decision making does not begin with the submission of a Sketch Plan.

312-10 SKETCH PLAN - SUBMISSION AND DRAWING REQUIREMENTS

(a) Submission Requirements: Sketch plan submission of a major plan shall comprise the following:

(1) Plan: Ten (10) clear and legible white paper prints of the sketch plan and two (2) copies of the required supporting documents.

(2) Application Form: One (1) copy of "Application for Review of a Subdivision Plan". (Application forms may be obtained from the Department of Community Development.)

(3) Appropriate Fees: A review fee and escrow shall be submitted in an amount established by resolution by the Township Board of Commissioners.

(4) The Applicant shall submit concurrently with the paper copies of the above, digital copies of all documents including plans, reports, letters, applications, agreements, deeds and other supporting documents in Portable Document Format (PDF). This may be accomplished via electronic mail, compact disc or a download service, as prearranged with the Department of Community Development.

(5) The Applicant shall submit a project narrative that describes the proposal. This written statement shall identify the Zoning District within which the subject property is located, the names and ownership (Township, PENNDOT, or private) of the frontage streets, the parcel owner name, the Applicant name, the existing and proposed uses of the tract, the area of the existing lot, the number of proposed lots, the proposed areas of the lots, the size of the proposed building, the number of proposed parking spaces, the existing and proposed types of water service and sanitary sewage disposal, the proposed types of stormwater best management practices and any nearby historic resources.

(6) The Applicant shall transmit one (1) copy of the plan to Lehigh and Northampton Transportation Authority (LANTA) and submit proof of transmittal to the Township.

(7) The Applicant shall transmit one (1) copy of the plan to the United States Postal Service and submit proof of transmittal to the Township.

(b) Drawing Guidelines: A sketch plan for a major plan shall be in accordance with and show, at a minimum, the following:

(1) The plan shall be drawn at one of the following scales: 1" = 20'; 1" = 30'; 1" = 40'; 1" = 50'; 1" = 60'; 1" = 80'; 1" = 100'.

(2) The plan sheet size shall be 24" x 36", 30" x 42", or other size pre-approved by the Township Engineer and permitted by the Lehigh County Recorder of Deeds.

(3) A title block at the bottom center or at the bottom right of the plan showing:

- (A) Proposed name of the subdivision.
- (B) Scale.
- (C) Date of plan.
- (D) Name and address of the owner and of the Applicant, if different.
- (E) Name and address of engineer, surveyor, architect, or planner who prepared the plan.
- (F) Name of municipality in which subdivision will be located.

(4) A signed statement that the Applicant is the owner, or authorized by the owner to make application for the land proposed to be subdivided.

(5) Site data including:

- (A) Total acreage of tract.
- (B) Number of lots proposed and area in square feet or acres for each lot.
- (C) Linear feet of new streets proposed.
- (D) Type of water supply system proposed.
- (E) Type of sewage disposal system proposed.
- (F) Zoning district.
- (G) Parcel Identification Numbers from County records.
- (H) Applicable site information that is required under terms of the South Whitehall Township Zoning Ordinance including number of parking spaces, impervious coverage, and driveway separation measurements.

(6) A location map showing the general location of the subdivision tract in relation to adjacent surrounding properties, streets, and streams and other significant physical features.

(7) North point near the upper right-hand corner when practicable.

(8) Topographic contours from available data (may be obtained from United States Geological Surveys).

(9) Proposed lot and street layout with dimensions of lots and street rights-of-way to nearest foot.

(10) Property boundaries within the site and within two hundred (200) feet of the site (may be obtained from County Tax Map or similar source).

(11) Sequential staging of development within the subdivision and for the entire tract on which the subdivision is located. In the case where there is more than one tract contiguously arranged under the same ownership as the subdivision and of which the subdivision is a part, the staging of planned development shall be shown for all such contiguously arranged tracts.

(12) Significant topographical and physical features such as floodplains, wetlands, water conservation areas, bodies of water, steep slopes, woodlands and structures.

(13) Approximate locations of proposed stormwater BMPs.

(14) Any other information that the Township or the Applicant deems necessary to explain the proposal.

312-11 PRELIMINARY PLAN - SUBMISSION PROCEDURE

(a) Submission: The preliminary plan is required for all major plans and shall be prepared for the entire tract on which the subdivision is located. The Applicant shall submit the required number of prints of the preliminary plan and all required supporting documents, as specified in Section 312-12 to the Department of Community Development.

(b) Department of Community Development Action:

(1) The Department of Community Development shall issue a receipt for the preliminary plan submission after the Department has determined that the submission includes the required plans and documents as specified in Section 312-12. An application for preliminary plan review shall be rejected if the required materials have not been submitted.

(2) After issuing a submission receipt, the Department of Community Development shall:

(A) Transmit one (1) print of the plan to each municipality in which the subdivision is located or is adjoining for review and comment.

(B) Transmit three (3) prints of the plan and one (1) copy of all supporting documents to the Township Engineer for review and comment.

(C) Transmit one (1) print of the plan to the Township Zoning Officer for review and comment.

(D) Transmit one (1) print of the plan to the Township Fire Inspector for review and comment.

(E) Transmit one (1) print to the Public Works Department for review and comment.

(F) Transmit one (1) print of the plan and one (1) copy of all supporting documents to the South Whitehall Township Authority for review and comment.

(3) The Department of Community Development shall refer the preliminary plan, the supporting documents, and any review comments of the reviewing bodies to the Township Planning Commission and shall place the preliminary plan approval request on the agenda of the next regularly scheduled meeting of the Planning Commission provided that the Applicant has submitted a complete application prior to the submission deadline for the next Planning Commission Meeting.

(4) The Department of Community Development shall notify the Applicant of the scheduled Township Planning Commission meeting and the need for said Applicant to be represented at said meeting in order to formally present his plans to the Planning Commission and to answer any questions raised by the Commission members.

(c) Public Notification by the Township:

(1) The Township shall make every reasonable attempt to publish a public notice in a newspaper of general circulation in the Township once each week for two successive weeks. 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 Planning Commission hearing. Such notice shall state:

(A) The time, location, and date of the scheduled Township Planning Commission meeting.

(B) The location of the subdivision.

(C) The proposed land use of the subdivision.

(D) The total acreage of the subdivision and the number and range in size of the individual lots, if applicable.

(E) That a copy of the plan may be inspected in the Department of Community Development Office.

(2) Not less than ten (10) days prior to the scheduled Township Planning Commission meeting, the Township shall make every reasonable attempt to give notice by first class mail to all property owners as shown on the most recent tax records to be holding title to property within three hundred (300) feet of any boundary of the subdivision. The notice shall include the information required by Section 312-11(c) to be included in the published public notice.

(d) Township Planning Commission Action: The Township Planning Commission shall report on the plan and the staging of development in writing to the Township Board of Commissioners and to the Applicant recommending approval, conditional approval, or disapproval, and specifying the section of the regulations applicable in the event of conditional approval or disapproval. The Planning Commission shall consider the provisions of this Ordinance and any other applicable ordinances, resolutions, regulations, and policies, with any conditions of approval contained in any applicable Order or Approval for any conditional use, special exception or zoning variance when reviewing subdivision and land developments. The Planning Commission shall also consider the comments submitted by the Township Engineer and any other Township consultants, agencies, bodies, commissions, boards, committees, etc., where applicable. The Planning Commission shall make recommendations to the Board of Commissioners concerning the application, effect, modification or waiver of the provisions of this Ordinance and any other applicable ordinances, resolutions, regulations, and policies on Subdivision and Land Development Applications.

(1) Except where an extension of time is granted to the Township in writing by the Applicant, on a form provided by the Township, the Planning Commission shall communicate its comments and recommendations to the Board of Commissioners in advance of the last scheduled meeting of the Board prior to the expiration of the review period set by applicable law for decision making. Failure of the Planning Commission to communicate its recommendations to the Board of Commissioners within the prescribed time frame shall not affect the status of the preliminary plan application nor cause any extension of the applicable review period.

(e) Township Board of Commissioners Action: The Township Board of Commissioners shall review the recommendations of the Township Planning Commission; shall act on the preliminary plan, stating its approval, conditional approval, or disapproval, giving reasons for each within the time period set by applicable law for decision making. This time may be extended if the Applicant grants an extension of time to the Township.

(1) The decision of the Board of Commissioners shall be in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the date of the decision.

(A) When the application is not approved in terms as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute, ordinance, resolution, regulation and/or policy relied upon.

(B) When the application is proposed to be approved with conditions, prior to the meeting at which the Board of Commissioners will take action on the preliminary plan application, the Township shall advise the Applicant of the proposed conditions to such approval. Before the Board of Commissioners takes action on the preliminary plan application, the Applicant shall either (a) execute the acceptance of conditions form as presented by the Township indicating the Applicant's acceptance of all proposed conditions or (b) indicate in writing that the conditions are not acceptable and specifically identify which conditions are not acceptable to the Applicant.

(2) The Board of Commissioners may, based on a recommendation from the Planning Commission, consider the preliminary plan a final plan.

(f) Nature of Approval by the Township Board of Commissioners: If the Township Board of Commissioners does not waive the submission of a final plan for the subdivision, approval of the preliminary plan shall not constitute approval of a final plan, but rather an expression of approval of the layout submitted and the staging of development, as shown on the preliminary plan as a guide for the preparation of a final plan. Approval of the preliminary plan does not authorize the installation of any improvements nor the selling or transfer of any lots nor the leasing or renting of any space.

312-12 PRELIMINARY PLAN - SUBMISSION AND DRAWING REQUIREMENTS

(a) Submission Requirements: Preliminary plan submission of a major plan shall comprise the following:

(1) Plan: Ten (10) clear and legible white paper prints of the preliminary plan and two (2) copies of the supporting documents.

(2) Application Form: One (1) copy of "Subdivision and Land Development Review Application" (Application forms may be obtained from the Department of Community Development). If a sketch plan was submitted, the original application form shall be updated and signed by the Applicant at the time the preliminary plan is submitted.

(3) Appropriate Fees: A review fee and an escrow fund shall be submitted in an amount established by resolution by the Township Board of Commissioners.

(4) Two (2) copies of the deed(s) for the subject property, any easements, a reference to the recorded subdivision plan (by Township File Number or Plan Name) that created the lot(s), and any zoning decisions or other recorded documents that might affect the proposed subdivision.

(5) The Applicant shall submit concurrently with the paper copies of the above, digital copies of all documents including plans, reports, letters, applications, agreements, deeds and other supporting documents in Portable Document Format (PDF). This may be accomplished via electronic mail, compact disc or a download service, as prearranged with the Department of Community Development.

(6) Certification of Central Water Supply System

(A) Extension of System: When the subdivision is to be served with water by an extension of an existing water company or authority, the Applicant shall submit one (1) copy of a letter from the water company or authority which states that the company or authority can and will adequately serve the subdivision.

(B) New System: In the absence of a public water system, or if the extension of existing municipal systems to the proposed site is deemed to be economically impractical by the Board of Commissioners, the Applicant shall be required to construct a water supply and/or distribution system to Township standards and offer to dedicate said system to the Township or its designee without cost, as a central public water supply and/or distribution

system. When a subdivision is to be served by a new central water supply system, the Applicant shall apply for and obtain a permit from the Pennsylvania Department of Environmental Protection and a letter from the Applicant which states that he will comply with the Pennsylvania Department of Environmental Protection requirements.

(C) Plans and specifications for the extension of an existing water system or a creation of a new water system shall be submitted to the Township Engineer for his review and approval.

(7) Certification of Central Sanitary Sewerage System:

(A) Extension of System: When the subdivision is to be served by an extension of an existing sewer company or authority, the Applicant shall submit one (1) copy of a letter from the company or municipal agency which states that the company or municipal agency can and will adequately serve the subdivision.

(B) New System: In the absence of a public sanitary sewer collection and/or disposal system, or if the extension of existing municipal collection and /or disposal systems to the proposed site is deemed to be economically impractical by the Board of Commissioners, the Applicant shall be required to construct a sanitary sewage collector system and treatment plant to Township or its designee standards, for connection to the municipal system if and when constructed to serve the development, and offer to dedicate said system to the Township or its designee without cost, as a central public sanitary sewer collection system. If a sanitary sewage disposal system is required, the Township, at its discretion, may require that the Applicant construct the disposal system, or that said system be constructed by the Township and/or the South Whitehall Township Authority. When the subdivision requires a new central sewage collection and/or disposal system, the Applicant shall, if required, apply for and obtain a permit from the Pennsylvania Department of Environmental Protection and a letter from the Applicant which states that he will comply with the Department of Environmental Protection requirements.

(C) Plans and specifications for the extension of an existing sewage system or a creation of a new sewage system shall be submitted to the Township Engineer for his review and approval.

(8) Certification of On-Lot Sewer and Water Systems:

(A) On-Lot Sewage Disposal Systems: When the subdivision is to be served by individual on-lot sewage disposal systems, the Applicant shall submit the Application for Sewage Disposal System report (copies of the Sewage Disposal Report can be obtained from the Department of Community Development), certified by the Township Sewage Enforcement Officer that he will approve a properly designed on-lot sewage disposal system for the proposed size of lots on the subdivision. No new on-lot systems shall be permitted in areas designated in the comprehensive plan as areas to be served by public sewers unless it is anticipated that the public sanitary sewer service will not be available within one (1) year of plan approval.

(B) On-Lot Water Supply System: When the subdivision is to be served by individual on-lot water supply systems, the Applicant shall submit one (1) copy of certification by the Pennsylvania Department of Environmental Protection that the Department

will approve a properly designed on-lot water system for the proposed size of lots on the subdivision. No new on-lot supply system shall be permitted in areas designated by the comprehensive plan to be served by municipal water unless it is anticipated that the public water service will not be available within one (1) year of plan approval.

(C) Plans and specifications for the extension of an existing on-lot sewage system and on-lot water system shall be submitted to the Township Engineer and Sewage Enforcement Officer, for their comment and approval.

(9) Highway Occupancy Permit: When a subdivision or land development has frontage along, drains to or otherwise impacts a State Highway, the Applicant shall submit the plan to the Pennsylvania Department of Transportation (PENNDOT) for review regardless of whether or not any changes are proposed along the State Highway. Copies of all correspondence between the Applicant and PENNDOT, and all issued permits shall be provided to the Township. If PENNDOT determines that a Highway Occupancy Permit is not necessary, the Applicant shall obtain such determination in writing and provide it to the Township. The Applicant, its successors and assigns, shall indemnify, defend, exonerate and hold the Township and its and its boards, committees and commissions (including the individual members thereof), their elected and appointed officers and officials and their employees, contractors, other professional consultants, engineers, solicitors, managers, representatives, advisors, predecessors, successors, agents, independent contractors, insurers and assigns harmless from any obligations or liabilities pertaining to, relating to, resulting from, caused by, arising out of, sustained in connection with or imposed by Pennsylvania Department of Transportation upon Township by virtue of any permits required in connection with the subdivision. In the event that PennDOT requires the Township to sign the Highway Occupancy Permit application or other documents relative to the required Highway Occupancy Permit, the Township shall retain sole discretion whether to sign the application or other documents. Should the Township elect to sign the application and/or other documents required by PennDOT, the Applicant shall enter into a recordable indemnification agreement in a form acceptable to the Township solicitor which, among other things, will require that the Applicant, its successors and assigns, indemnify, defend, exonerate and hold the Township and its and its boards, committees and commissions (including the individual members thereof), their elected and appointed officers and officials and their employees, contractors, other professional consultants, engineers, solicitors, managers, representatives, advisors, predecessors, successors, agents, independent contractors, insurers and assigns harmless from any liability pertaining to, relating to, resulting from, caused by, arising out of or sustained in connection with the Township's signing the application and/or other documents required by PennDOT and any obligation assumed by the Township by virtue of signing the application and/or documents. The Township shall also retain sole discretion concerning acceptance of any road right-of-way, improvements, maintenance responsibilities, etc., which may be imposed by PennDOT relative to improvements contemplated with a PennDOT right-of-way and/or easement.

(10) The Applicant shall transmit one (1) print of the plan to the Lehigh Valley Planning Commission for its review and comment and submit proof of transmittal to the Township.

(11) The Applicant shall transmit one (1) print of the plan to the District Office of the Pennsylvania Department of Transportation for its review and comments if the proposed subdivision abuts or is traversed by a State Highway or affects the storm drainage of a State Highway and submit proof of transmittal to the Township.

(12) The Applicant shall transmit one (1) print of the plan and one (1) copy of all appropriate supporting documents to the Pennsylvania Department of Environmental Protection for its review and comments and submit proof of transmittal to the Township.

(13) The Applicant shall transmit one (1) print of the plan and one (1) copy of the Soil Erosion and Sedimentation Control Plan, if applicable, to the representative for the Lehigh County Conservation District and submit proof of transmittal to the Township.

(14) The Applicant shall transmit one (1) copy to Lehigh and Northampton Transportation Authority (LANTA) and submit proof of transmittal to the Township.

(15) If the development contains more than 5 five residential units, the Applicant shall transmit one (1) copy to the School District in which the project is located and submit proof of transmittal to the Township.

(16) Additional data shall be submitted if requested by the Township Engineer or Township Planning Commission pursuant to this ordinance or other applicable laws or regulations.

(b) Drawing Requirements: A major plan shall be in accordance with and show the following:

(1) The plan shall be drawn at one of the following scales:

1" = 20'; 1" = 30'; 1" = 40'; 1" = 50'; 1" = 60'; 1" = 80'; 1" = 100'.

(2) The plan sheet size shall be 24" x 36", 30" x 42", or other size pre-approved by the Township Engineer and permitted by the Lehigh County Recorder of Deeds.

(3) All sheets shall be the same size, and be numbered relative to the total number of sheets (e.g., 1 of 5, etc.)

(4) A title block at the bottom center or at the bottom right of the plan showing:

(A) Name under which the subdivision is to be recorded.

(B) Scale.

(C) Date of plan and dates of all revisions.

(D) Name and address of the owner and of the Applicant, if different.

(E) Name and address of registered engineer or surveyor who prepared the plan.

(F) Name of municipality in which subdivision is located.

(5) The registered professional engineer and surveyor responsible for the plan and qualified to do such work according to Pennsylvania Act No. 367 of 1945, as amended, shall certify that the plan is correct as described and shall affix his name, address, license number,

and seal. The statement of the plan should be worded "I hereby certify the above plan and survey to be correct in all its details."

(6) The following statements shall be signed by the Applicant:

(A) The Applicant is the owner, equitable owner or has an option or conditional contract of sale on the land proposed to be subdivided or developed, that no litigation or liens exist on or are pending against the site, that the plan has been processed with the Applicant's free consent.

(B) The Applicant certifies that he will properly grade all individual lots to provide adequate surface drainage so that no low spots or water pockets create a public nuisance and that he will place permanent concrete reference monuments to grade as noted on the plan upon completion of grading.

(C) The Applicant acknowledges that following approval of this plan, plan changes may be required to address the comments and regulations of outside agencies responsible to review any aspect of the project reflected on this plan, including but not limited to post-construction stormwater management and NPDES permit regulations. In the event of changes to the plan following approval (whether or not the plan has been recorded), the Applicant shall submit the revised plan to the Township for review before the Applicant may move forward with construction activities pursuant to the revised plan (whether or not the plan has been recorded).

(7) A note shall be provided on each plan to be recorded which indicates that: "This plan has been reviewed by the Township Staff and Township Engineer for consistency with municipal regulations and ordinances relating to land usage and dimensional requirements of zoning. Investigations regarding peripheral land and plan issues which are not required as part of a review process such as clarity of title, subsurface conditions including but not limited to, soil and water quality, karst geological activity, and historic and archeological issues, or such other issues (as appropriate) that may affect the merchantability of the land, have not been investigated or reviewed by the Township or the Township Engineer. The Township and Township Engineer make no representation or warranty concerning these issues, which should be addressed by qualified professionals, commissioned by the Applicant and/or land owner(s) as appropriate, and engaged in the appropriate field of practice. Dimensions and geometry of the property boundary and any internal lots and streets have been overviewed with respect to applicable ordinance standards for mathematical completeness, clarity of depiction, consistency, closure, and area (only). The research for and determination and location of property lines, street rights-of-way, and other easements, etc. are the responsibility of the Surveyor of Record whose seal appears on this plan, and have not been independently confirmed or verified by the Township, the Township Engineer, or the Township Solicitor."

(8) Site data including:

(A) Total acreage of tract.

(B) Number of lots proposed and area in square feet or acres for each lot.

(C) Linear feet of new streets.

- (D) Type of water supply system.
 - (E) Type of sewage disposal system.
 - (F) Zoning district and dimensional requirements compared to the Applicant's proposal.
 - (G) A statement of the intended use of all nonresidential lots and parcels.
 - (H) Parcel Identification Numbers from County records.
 - (I) All site information that is required under terms of the South Whitehall Township Zoning Ordinance including number of parking spaces, site coverage, number of employees, illumination, means of parking areas confinement, and driveway separation measurements when applicable.
- (9) A location map for the purpose of locating the project site at a scale of not more than one thousand (1,000) feet to the inch showing:
- (A) Relation of tract to adjoining property.
 - (B) Related road and highway system within one thousand (1,000) feet of the subdivision tract.
 - (C) Municipal boundaries within one thousand (1,000) feet of the subdivision tract.
 - (D) Zoning district boundaries within one thousand (1,000) feet of the subdivision tract.
 - (E) Watercourses and any other areas subject to flooding (flood zone).
- (10) If the plan requires more than one (1) standard size sheet, (i.e., 24" x 36"), a key diagram illustrating the relative location of the several sections shall be drawn on each sheet and "matchmarks" shall be provided on each sheet.
- (11) North point near upper right-hand corner when practicable.
 - (12) Graphic scale.
 - (13) Boundary lines of zoning districts within the subdivision.
 - (14) Boundaries of the tract showing bearings and distances and having an error of closure not to exceed one foot (1) in ten thousand feet (10,000). All bearings and distances shall be indicated outside the boundary line not inside with the lot dimensions. When a plan is bounded with an irregular shore line of a body of water, the bearings and distances of a closing intermediate traverse should be given and a notation made that the plot includes all land to the water's edge or otherwise. The survey should tie into the nearest United States Geological Survey monument or other established benchmark, if feasible.
 - (15) Existing and proposed contours at vertical intervals of two (2) feet or five (5) feet, as required by the Township Engineer for the entire tract to be subdivided or developed. Contours on adjacent land within four hundred (400) feet of the tract plotted from U.S.G.S. Quadrangle Maps and at contour intervals of ten (10) feet.

(16) Datum to which contour elevations refer shall be tied to an established vertical datum preferably the North American Vertical Datum of 1988 (NAVD88) and/or provide applicable conversions to this datum. The benchmark should be shown on all applicable plans.

(17) The names of owners of immediately adjacent land, and the names of existing or proposed subdivisions immediately adjacent.

(18) All existing watercourses, wetlands, bodies of water, floodplain, significant tree masses and other significant features such as rock outcrops, slag piles, quarry holes, springs, and swampy areas. All trees over six (6) inches in diameter at a height of 4.5 feet above adjacent grade.

(19) The location, size and owners of existing buildings, sewer mains, water mains, culverts, storm sewers, petroleum or petroleum products lines, gas lines, transmission lines including extent of right-of-way, fire hydrants, underground tanks, wells, septic systems within one-hundred feet of the tract and other significant man-made features.

(20) The location, character and elevation of any building within one-hundred (100) feet of the tract.

(21) The locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way platted or existing within the subdivision and within four hundred (400) feet of any part of the subdivision tract. If the tract is traversed or bisected by a municipal boundary, the boundary to be shown on the plans shall be as depicted on the tax maps unless another boundary has been accepted by both municipalities.

(22) Soil types and mapped limits shall be identified on the plans.

(23) Location of proposed water and sanitary sewer services shall be shown on the plan.

(24) Evidence that safe sight distance measurement in accordance with the PENNDOT requirements can be met at potential non-residential driveway location(s).

(25) Location and dimensions in feet and hundredths of a foot of all proposed streets, alleys, rights-of-way, curblines, sidewalks, easements, and lot lines.

(26) Location and dimensions of all easements and lots proposed to be dedicated or reserved for public use with dimensions in feet and hundredths of a foot.

(27) Location of permanent reference monuments in accordance with Section 312-36(f) of these Regulations.

(28) Location and type of proposed shade trees in accordance with Section 312-40 of these Regulations.

(29) The applicable setback along all street, side and rear property lines.

(30) Names of streets within and adjacent to the subdivision shall be shown.

(31) Plan and profile drawings of proposed streets which show existing and proposed grades and which are prepared according to Township standard format.

(32) Typical cross-sections of street rights-of-way.

(33) Plan and profile drawings of proposed water distribution system, sanitary sewerage system, and storm sewerage system prepared according to Township standard format.

(34) Sanitary sewerage system plans and profiles, water distribution system, and storm sewerage system, plans and profiles shall be drawn at a horizontal scale of 1" = 50' and a vertical scale of 1" = 10' and the plan and its respective profile shall be on the same sheet.

(35) Sequential staging of planned development within the subdivision and for the entire tract on which the subdivision is located. In the case where there is more than one (1) tract contiguously arranged under the same ownership as the subdivision, and of which the subdivision is a part, the staging of planned development shall be shown for all such contiguously arranged tracts. A sketch plan shall be submitted of the prospective street layout for these tracts.

(36) Landscape Plan: The plan will show clear sight triangles, overhead and underground utilities, street lights, fire hydrants, existing vegetative cover intended to remain after development and proposed new vegetative cover. The plan will address the requirements of Section 312-40 of these regulations and of the South Whitehall Township Zoning Ordinance. Significant tree masses and all trees over six (6) inches in diameter and four and a half (4.5) feet in height above grade, if sparsely scattered, should be shown.

(37) Lighting Plan: A Lighting Plan shall be submitted which addresses the requirements of Section 312-41(a)(1) of these regulations.

(38) Drainage Patterns Map: A map illustrating an analysis of natural drainage patterns and water resources within the proposed subdivision or land development tract including delineation of streams, natural drainage swales, ponds and lakes, wetlands, flood plains, permanent and seasonal high water table areas, and springs. Existing storm sewers, culverts, and drainage easements should also be shown.

(39) A plan for minimizing soil erosion and sedimentation in accordance with Section 312-39(e) of these Regulations shall be submitted.

(40) The Applicant shall submit a project narrative that describes the proposal. This written statement shall identify the Zoning District within which the subject property is located, the names and ownership (Township, PENNDOT, or private) of the frontage streets, the parcel owner name, the Applicant name, the existing and proposed uses of the tract, the area of the existing lot, the number of proposed lots, the proposed areas of the lots, the size of the proposed building, the number of proposed parking spaces, the existing and proposed types of water service and sanitary sewage disposal, the proposed types of stormwater best management practices and any nearby historic sites.

(41) A Zoning Plan showing historical zoning relief, and all zoning requirements, such as, but not limited to: existing and proposed use, lot area, road frontage and setbacks, road centerline, legal and ultimate rights-of-way, impervious surface amounts/lot coverage, buffer strips, driveway separation distances between driveways and intersections of public streets, parking lot illumination, proposed and required parking criteria, and anything pertinent to Section 350-42.

(42) Other information which may be required by the Township Engineer or Township Planning Commission in accordance with this ordinance or other applicable laws or regulations.

312-13 FINAL PLAN - SUBMISSION PROCEDURE

(a) Submission: The final plan is required for all major plans and shall be prepared for the entire subdivision or, in the case where staging of development is planned, the final plan may be prepared for the initial stage of development or for subsequent stages of development provided that such stages of development had been approved by the Township Board of Commissioners as part of the preliminary plan.

(1) Final plans shall be submitted for approval within twelve (12) months of the date a preliminary plan has been approved by the Township Board of Commissioners. No final plan submission can be accepted which has exceeded this time period. An extension of time may be granted by the Township Board of Commissioners upon written request. Plans submitted for which preliminary plan approval was given more than twelve (12) months prior to the day of final plan submission and for which no time extension had been granted may be considered by the Township Planning Commission as a new preliminary plan.

(2) The Applicant shall submit the required number of prints of the final plan and all required supporting documents as specified in Section 312-14 to the Department of Community Development.

(b) Department of Community Development Action:

(1) The Department of Community Development shall issue a receipt for the final plan submission after the Department has determined that the submission includes the required plans and documents as specified in Section 312-14. An application for final plan review shall be rejected if the required materials have not been submitted.

(2) After issuing a submission receipt, the Department of Community Development shall:

(A) Transmit one (1) print of the plan to each municipality in which the subdivision is located or is adjoining for review and comment.

(B) Transmit three (3) prints of the plan and one (1) copy of all supporting documents to the Township Engineer for his review and comments.

(C) Transmit one (1) print of the plan to the Township Zoning Officer for his review and comments.

(D) Transmit one (1) print of the plan to the Township Fire Inspector for review and comment.

(E) Transmit one (1) print to the Public Works Department for review and comment.

(F) Transmit one (1) print of the plan and one (1) copy of all supporting documents to the South Whitehall Township Authority for review and comment.

(3) The Department of Community Development shall refer the final plan, the supporting documents, and any review comments of the reviewing bodies to the Township Planning Commission and shall place the final plan approval request on the agenda of the next regularly scheduled meeting of the Planning Commission provided that the Applicant has submitted a complete application prior to the submission deadline for the next Planning Commission Meeting.

(4) The Department of Community Development shall notify the Applicant of the scheduled Township Planning Commission meeting and the need for said Applicant to be represented at said meeting in order to formally present his plans to the Planning Commission and to answer any questions raised by the Commission members.

(c) Public Notification by the Township:

(1) The Township shall make every reasonable attempt to publish a public notice in a newspaper of general circulation in the Township once each week for two successive weeks. 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 Planning Commission hearing. Such notice shall state:

(A) The time, location, and date of the scheduled Township Planning Commission meeting.

(B) The location of the subdivision.

(C) The proposed land use of the subdivision.

(D) The total acreage of the subdivision and the number and range in size of the individual lots, if applicable.

(E) That a copy of the plan may be inspected in the Department of Community Development Office.

(2) Not less than ten (10) days prior to the scheduled Township Planning Commission meeting, the Township shall make every reasonable attempt to give notice by first class mail to all property owners as shown on the most recent tax records to be holding title to property within three hundred (300) feet of any boundary of the subdivision. The notice shall include the information required by Section 312-13(c)(1) to be included in the published public notice.

(d) Township Planning Commission Action: The Township Planning Commission shall review the final plan and shall report on the plan, in writing, to the Township Board of Commissioners, and to the Applicant, recommending approval, conditional approval, or disapproval and specifying the section of these Regulations applicable in the event of conditional approval or disapproval. The Planning Commission shall consider the provisions of this Ordinance and any other applicable ordinances, resolutions, regulations, and policies, with any conditions of approval contained in any applicable Order or Approval for any conditional use, special exception or zoning variance when reviewing subdivision and land developments. The Planning Commission shall also consider the comments submitted by the Township Engineer and any other Township consultants, agencies, bodies, commissions, boards, committees, etc., where applicable. The Planning Commission shall make recommendations to

the Board of Commissioners concerning the application, effect, modification or waiver of the provisions of this Ordinance and any other applicable ordinances, resolutions, regulations, and policies on Subdivision and Land Development Applications.

(1) Except where an extension of time is granted to the Township in writing by the Applicant, on a form provided by the Township, the Planning Commission shall communicate its comments and recommendations to the Board of Commissioners in advance of the last scheduled meeting of the Board prior to the expiration of the review period set by applicable law for decision making. Failure of the Planning Commission to communicate its recommendations to the Board of Commissioners within the prescribed time frame shall not affect the status of the final plan application nor cause any extension of the applicable review period.

(2) The Township Planning Commission shall endorse an approved final plan as follows:

Recommended for Approval _____ by the South Whitehall Township Planning Commission.
DATE

Chairman's Signature

Secretary's Signature

(e) Township Board of Commissioners Action: The Township Commissioners shall review the recommendations of the Planning Commission; shall act on the Final Plan, stating its approval, conditional approval, or disapproval, giving reasons for each within the time period set by applicable law for decision making. This time may be extended if the Applicant grants an extension of time to the Township.

The Township Board of Commissioners shall endorse an approved final plan as follows:

Approved _____ by the Board of Commissioners of the Township of South Whitehall.
DATE

President

Secretary

Township Engineer

(1) The decision of the Board of Commissioners shall be in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the date of the decision;

(A) When the application is not approved in terms as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute, ordinance, resolution, regulation and/or policy relied upon.

(B) When the application is proposed to be approved with conditions, prior to the meeting at which the Board of Commissioners will take action on the final plan application, the Township shall advise the Applicant of the proposed conditions to such approval. Before the Board of Commissioners takes action on the final plan application, the Applicant shall either (a) execute the acceptance of conditions form as presented by the Township indicating the Applicant's acceptance of all proposed conditions or (b) indicate in writing that the conditions are not acceptable and specifically identify which conditions are not acceptable to the Applicant.

(2) The Township shall notify in writing the superintendent of the school district about any plan for a residential development (which for purposes of this section only will include apartments) that was finally approved by the Township during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development that was provided to the Township by the Applicant.

(f) Recording Approved Plan: The approved final plan bearing the signatures of the Applicant and his technical staff, the Township Engineer, the Township Planning Commission, the Township Board of Commissioners, and the Lehigh Valley Planning Commission, shall be filed by the property owner in the Office of the Lehigh County Recorder of Deeds within ninety (90) days of the later of the date of approval by the Board of Commissioners if the plan is approved without conditions or the date of delivery of an approved plan bearing the signatures of the Applicant and his technical staff following satisfaction of all conditions imposed on the approval. Notwithstanding the foregoing, where the final plan is approved with conditions, the Applicant shall satisfy all such conditions of the final plan approval and the final plan shall be recorded within twelve (12) months of date of the conditional final plan approval by the Board of Commissioners, and if such conditions are not so satisfied, the conditional final plan approval shall be considered void without further action of the Township, and the application for final plan approval shall be considered void and withdrawn unless an extension is approved by the Township Board of Commissioners.

(1) Once recorded, the Applicant shall submit to the Department of Community Development:

(A) A receipt indicating that the plan has been properly recorded.

(B) One (1) permanent reproducible tracing acceptable to the Department of Community Development and three (3) clear and legible white paper prints of the plan as recorded.

(C) Copies of all plans in Environmental Systems Research Institute (ESRI) ArcGIS format and Portable Document Format (PDF).

(2) Failure of the property owner to file the approved plan within this time period will automatically revoke any and all approvals of the plan and the Applicant shall resubmit the plan pursuant to Section 312-13.

(3) Building permits shall not be issued for the subdivision until the receipt from the Office of the Lehigh County Recorder of Deeds has been submitted to the Department of Community Development.

312-14 FINAL PLAN - SUBMISSION AND DRAWING REQUIREMENTS

(a) Submission Requirements: Final plan submission of a major plan shall comprise the following:

(1) Plan: Ten (10) clear and legible white paper prints of the final plan.

(2) Application Form: The original application form shall be updated and signed by the Applicant at the time the final plan is submitted.

(3) Appropriate Fees: A review fee and an escrow fund shall be submitted in an amount established by resolution by the Township Board of Commissioners.

(4) Two (2) copies of the deed(s) for the subject property, any easements, a reference to the recorded subdivision plan (by Township File Number or Plan Name) that created the lot(s), and any zoning decisions or other recorded documents that might affect the proposed subdivision.

(5) The Applicant shall submit concurrently with the paper copies of the above, digital copies of all documents including plans, reports, letters, applications, agreements, deeds and other supporting documents in Portable Document Format (PDF). This may be accomplished via electronic mail, compact disc or a download service, as prearranged with the Department of Community Development.

(6) The Applicant shall transmit one (1) print of the plan to the Lehigh Valley Planning Commission for its review and comment and submit proof of transmittal to the Township.

(7) The Applicant shall transmit one (1) print of the plan to the District Office of the Pennsylvania Department of Transportation for its review and comments if the proposed subdivision abuts or is traversed by a State Highway or affects the storm drainage of a State Highway and submit proof of transmittal to the Township.

(8) The Applicant shall transmit one (1) print of the plan and one (1) copy of all appropriate supporting documents to the Pennsylvania Department of Environmental Protection for its review and comments and submit proof of transmittal to the Township.

(9) The Applicant shall transmit one (1) print of the plan and one (1) copy of the Soil Erosion and Sedimentation Control Plan, if applicable, to the representative for the Lehigh County Conservation District and submit proof of transmittal to the Township.

(10) The Applicant shall transmit one (1) copy to Lehigh and Northampton Transportation Authority (LANTA) and submit proof of transmittal to the Township.

(11) If the development contains more than 5 five residential units, the Applicant shall transmit one (1) copy to the School District in which the project is located and submit proof of transmittal to the Township.

(12) Additional information requested by the Township Engineer or Township Planning Commission pursuant to this ordinance or other applicable laws or regulations during the preliminary plan review process shall be submitted with the final plan.

(b) Drawing Requirements: The submitted final plan shall conform to the drawing requirements as specified in Section 312-12(b). In addition, the final plan shall be in accordance with and show the following:

(1) The plan(s) to be recorded shall include an index referencing each plan sheet in the plan set bearing the date and last revision date of each plan sheet. Each plan proposed to be recorded shall be identified in the index.

(2) The following statements shall be signed and notarized by the Applicant:

(A) The Applicant is the owner, equitable owner or has an option or conditional contract of sale on the land proposed to be subdivided or developed, that no litigation or liens exist on or are pending against the site, that the plan has been processed with the Applicant's free consent and that the Applicant desires to record the plan.

(B) The Applicant certifies that he will properly grade all individual lots to provide adequate surface drainage so that no low spots or water pockets create a public nuisance and that he will place permanent concrete reference monuments to grade as noted on the plan upon completion of grading.

(C) The Applicant acknowledges that following approval of this plan, plan changes may be required to address the comments and regulations of outside agencies responsible to review any aspect of the project reflected on this plan, including but not limited to post-construction stormwater management and NPDES permit regulations. In the event of changes to the plan following approval (whether or not the plan has been recorded), the Applicant shall submit the revised plan to the Township for review before the Applicant may move forward with construction activities pursuant to the revised plan (whether or not the plan has been recorded).

(3) Sufficient data to determine readily the location, bearing, and length of every street, lot and boundary line and to reproduce such lines upon the ground, including a survey tie-in to the three (3) nearest established street monuments.

(4) For curved boundaries and all curves on the plan, sufficient data should be given to enable the re-establishment of the following curves. The curve data should include the following:

- (A) Point of curvature.
- (B) Point of tangency.
- (C) Tangent distance.

- (D) Radius of curve.
- (E) Length of curve.
- (F) Delta angle of curve.

(5) Excepted parcels shall be marked “not included in this plat” and the boundary completely indicated by bearings and distances.

(6) Officially established house numbers for street addresses as assigned by the Department of Community Development.

(7) The date must be shown on which all required public improvements within the subdivision tract or within the section of the subdivision under consideration for final approval are to be completed.

(8) Any additional information requested by the Township Engineer or Township Planning Commission during the preliminary plan review process shall be submitted with the final plan.

312-15 RECORD UTILITY PLANS - SUBMISSION AND DRAWING REQUIREMENTS

(a) Submission Requirements: Simultaneous with the conveyance of the respective subdivision improvements, the Applicant shall be required to provide one (1) Mylar reproducible plan and three (3) white background prints and digital copies of all documents in Environmental Systems Research Institute (ESRI) ArcGIS format and Portable Document Format (PDF) of the “As-Built” final plan.

(1) Prior to submitting these plans, one print of the record plan(s) shall be submitted to the Township Engineer for review and approval.

(2) The location of improvements and other data on the “As-Built” final plan shall be in conformity with the requirements of Section 312-14(b) et. seq. of these regulations. All construction changes shall be noted by drawing a line through the design data and showing the record data adjacent thereto. The following specific information shall also be noted:

(A) Water Distribution System: Stationing of each gate valve, bend, tee, cross, plug, and lateral. Each curb stop and valve box shall be stationed and defined with a reference tie when necessary. The location of the water main with respect to the Street centerline or utility easement line shall be shown and dimensioned.

(B) Sanitary Sewerage System: Depth, length, and station of each lateral. In the case of skewed laterals an additional reference tie shall be provided. Stationing shall be based on the commonly accepted practice of using Station 0+00 for the nearest downstream manhole.

(C) Storm Sewerage System: Invert elevations, sewer lengths, slopes, pipe diameters, and types. The final approved Post Construction Stormwater Management Plan shall be submitted to the Community Development Department, the Public Works Department, and the Township Engineer’s Office.

(D) Roads: "As Built" curb and/or pavement grades for intersections. Any significant deviations in the centerline profile shall be noted on the plan.

312-16 COMPLIANCE TO ORDINANCE

Any subdivision for which all the required subdivision improvements have not been substantially completed within five (5) years from the date the subdivision plans were given preliminary plan approval by the Board of Commissioners shall be subject to all amendments to Township Ordinances, resolutions, regulations and/or policies. If preliminary approval did not precede final approval for any given plan, said five (5) year period shall be measured from the date of the final approval. The Board of Commissioners shall require the Applicant to amend the final subdivision plans to conform to the standards and the required improvements of the amended Ordinances, resolutions, regulations and/or policies which govern development in the Township, including but not limited to the Subdivision Regulations, Zoning and PRD Ordinances.

ARTICLE IV

SUBMISSION PROCEDURES AND REQUIREMENTS FOR MINOR PLANS

312-17 APPLICABILITY

The standards, requirements, and procedures contained in this Article shall govern the filing and processing of all applications for a minor plan in the Township.

Minor plans may be submitted and processed only for lot line adjustments and minor subdivisions, in accordance with the standards and requirements in this section.

312-18 TYPES OF PLANS

All applications for minor plans shall be classified as sketch plans or minor subdivision plans, as further regulated herein.

- A. Sketch plan. The Applicant has the option to submit a Sketch Plan for a minor plan proposal, in accordance with the requirements of 312-20(a), Sketch Plan submission requirements, and 312-20(b), Sketch Plan drawing guidelines;
- B. Minor plan. Applications which qualify as minor plans may be submitted for concurrent preliminary and final processing and approval in accordance with the standards and requirements of section 312-22, minor plan submission procedure and 312-23, minor plan submission and drawing requirements.

312-19 SKETCH PLAN - SUBMISSION PROCEDURE

(a) Submission: The sketch plan stage is designed to offer the Applicant an opportunity to informally discuss his plans for a proposed minor plan with the Township Planning Commission and Township Engineer. The plan will be reviewed for general scope and layout, for conformity with applicable Township requirements and the Township Comprehensive Plan, and for conditions which might affect the implementation of the subdivision. An Applicant seeking a sketch plan review shall submit the required number of prints of the sketch plan and all required supporting documents as specified in Section 312-20 to the Department of Community Development.

(b) Department of Community Development Action:

(1) The Department of Community Development shall issue a receipt for the sketch plan submission.

(2) After issuing a submission receipt, the Department of Community Development shall:

(A) Transmit one (1) print of the plan to each municipality in which the subdivision is located or is adjoining for review and comment.

(B) Transmit three (3) prints of the plan and one (1) copy of all supporting documents to the Township Engineer for review and comment.

(C) Transmit one (1) print of the plan to the Township Zoning Officer for review and comment.

(D) Transmit one (1) print of the plan to the Township Fire Inspector for review and comment.

(E) Transmit one (1) print of the plan to the Public Works Department for review and comment.

(F) Transmit one (1) print of the plan and one (1) copy of all supporting documents to the South Whitehall Township Authority for review and comment.

(3) The Department of Community Development shall refer the sketch plan, the supporting documents, and any review comments of the reviewing bodies to the Township Planning Commission and shall place the sketch plan review request on the agenda of the next regularly scheduled meeting of the Planning Commission provided that the Applicant has submitted a complete application prior to the submission deadline for the next Planning Commission Meeting.

(4) The Department of Community Development shall notify the Applicant of the scheduled Township Planning Commission meeting and the need for said Applicant to be represented at said meeting in order to present his plans to the Planning Commission and to discuss the plan with the Commission members.

(c) Public Notification by the Township:

(1) The Township shall make every reasonable attempt to publish a public notice in a newspaper of general circulation in the Township once each week for two successive weeks. 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 Planning Commission hearing. Such notice shall state:

(A) The time, location, and date of the scheduled Township Planning Commission meeting.

(B) The location of the subdivision.

(C) The proposed land use of the subdivision.

(D) The total acreage of the subdivision and the number and range in size of the individual lots, if applicable.

(E) That a copy of the plan may be inspected in the Department of Community Development Office.

(2) Not less than ten (10) days prior to the scheduled Township Planning Commission meeting, the Township shall make every reasonable attempt to give notice by first class mail to all property owners as shown on the most recent tax records to be holding title to property within three hundred (300) feet of any boundary of the subdivision. The notice shall include the information required by Section 312-19(c)(1) to be included in the published public notice.

(d) Nature of Opinion: The providing of an opinion regarding a sketch plan by the Township Planning Commission shall not constitute approval of a plan but rather an expression of the Planning Commission's opinion of the layout submitted to be used as a guide to the preparation of the minor plan. Such an opinion does not authorize the installation of any improvements nor the selling or transfer of any lots nor the leasing or renting of any space.

312-20 SKETCH PLAN - SUBMISSION AND DRAWING REQUIREMENTS

(a) Submission Requirements: Sketch plan submission of a minor plan shall comprise the following:

(1) Plan: Ten (10) clear and legible white paper prints of the sketch plan and two (2) copies of the required supporting documents.

(2) Application Form: One (1) copy of "Application for Review of a Subdivision Plan". (Application forms may be obtained from the Department of Community Development.)

(3) Appropriate Fees: A review fee and escrow shall be submitted in an amount established by resolution by the Township Board of Commissioners.

(4) The Applicant shall submit concurrently with the paper copies of the above, digital copies of all documents including plans, reports, letters, applications, agreements, deeds and other supporting documents in Portable Document Format (PDF). This may be accomplished via electronic mail, compact disc or a download service, as prearranged with the Department of Community Development.

(5) The Applicant shall submit a project narrative that describes the proposal. This written statement shall identify the Zoning District within which the subject property is located, the names and ownership (Township, PENNDOT, or private) of the frontage streets, the parcel owner name, the Applicant name, the existing and proposed uses of the tract, the area of the existing lot, the number of proposed lots, the proposed areas of the lots, the size of the proposed building, the number of proposed parking spaces, the existing and proposed types of water service and sanitary sewage disposal, the proposed types of stormwater best management practices and any nearby historic sites.

(b) Drawing Guidelines: A sketch plan for a minor plan shall be in accordance with and show, at a minimum, the following:

(1) The plan shall be drawn at one of the following scales: 1" = 20'; 1" = 30'; 1" = 40'; 1" = 50'; 1" = 60'; 1" = 80'; 1" = 100'.

(2) The plan sheet size shall be 24" x 36", 30" x 42", or other size pre-approved by the Township Engineer and permitted by the Lehigh County Recorder of Deeds.

(3) A title block at the bottom center or at the bottom right of the plan showing:

- (A) Proposed name of the subdivision.
- (B) Scale.
- (C) Date of plan.

- (D) Name and address of the owner and of the Applicant, if different.
 - (E) Name and address of engineer, surveyor, architect, or planner who prepared the plan.
 - (F) Name of municipality in which subdivision will be located.
- (4) A signed statement that the Applicant is the owner, or authorized by the owner to make application for the land proposed to be subdivided.
- (5) Site data including:
- (A) Total acreage of tract.
 - (B) Number of lots proposed and area in square feet or acres for each lot.
 - (C) Type of water supply system proposed.
 - (D) Type of sewage disposal system proposed.
 - (E) Zoning district.
 - (F) Parcel Identification Numbers from County records.
 - (G) Applicable site information that is required under terms of the South Whitehall Township Zoning Ordinance including number of parking spaces, site coverage, and driveway separation measurements.
- (6) A location map showing the general location of the subdivision tract in relation to surrounding properties, streets, streams and other significant physical features.
- (7) North point near the upper right-hand corner when practicable.
- (8) Topographic contours from available data (may be obtained from United States Geological Surveys).
- (9) Proposed lot and street layout with dimensions of lots and street rights-of-way to nearest foot.
- (10) Property boundaries within the site and within two hundred (200) feet of the site (may be obtained from County Tax Map or similar source)
- (11) Significant topographical and physical features such as floodplains, wetlands, water conservation areas, bodies of water, steep slopes, woodlands and structures.
- (12) Approximate locations of proposed stormwater BMPs.
- (13) Any other information that the Township or Applicant deems necessary to explain the proposal.

312-21 GENERAL REQUIREMENTS

- (a) No more than one (1) minor plan may be approved on the original tract in the same ownership over a period of six (6) years.

(1) If ownership of the original tract has been transferred since approval of the first minor plan, submission of a second or subsequent minor plan of the original tract must be accompanied by a notarized statement that the original owner of the original tract has no further interest in the tract.

(2) If ownership of the original tract has not been transferred since approval of the first minor plan, all subsequent plans within the six (6) year period defined in Section 312-21(a) shall be deemed major plans and submitted pursuant to Article III.

312-22 MINOR PLAN – PRELIMINARY/FINAL SUBMISSION PROCEDURE

(a) Submission: The Applicant shall submit Ten (10) prints of the minor plan and all required supporting documents to the Department of Community Development.

(b) Department Of Community Development Action:

(1) The Department of Community Development shall issue a receipt for the minor plan submission after the Department has determined that the submission includes the required plans and documents as specified in Section 312-23. An application for minor plan review shall be rejected if the required materials have not been submitted.

(2) After issuing a submission receipt, the Department of Community Development shall:

(A) Transmit one (1) print of the plan to each municipality in which the subdivision is located or is adjoining for review and comment.

(B) Transmit three (3) prints of the plan and one (1) copy of all supporting documents to the Township Engineer for review and comment.

(C) Transmit one (1) print of the plan to the Township Zoning Officer for review and comment.

(D) Transmit one (1) print of the plan to the Township Fire Inspector for review and comment.

(E) Transmit one (1) print to the Public Works Department for review and comment.

(F) Transmit one (1) print of the plan and one (1) copy of all supporting documents to the South Whitehall Township Authority for review and comment.

(3) The Department of Community Development shall refer the minor plan, the supporting documents, and any review comments of the reviewing bodies to the Township Planning Commission and shall place the preliminary plan approval request on the agenda of the next regular scheduled meeting of the Planning Commission, provided that the Applicant has submitted a complete application prior to the submission deadline for the next Planning Commission Meeting.

(4) The Department of Community Development shall notify the Applicant of the scheduled Township Planning Commission meeting and the need for said Applicant to be represented at said meeting in order to formally present his plans to the Planning Commission and to answer any questions raised by the Commission members.

(c) Public Notification By The Township:

(1) The Township shall make every reasonable attempt to publish a public notice in a newspaper of general circulation in the Township once each week for two successive weeks. 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 Planning Commission hearing. Such notice shall state:

(A) The time, location, and date of the scheduled Township Planning Commission meeting.

(B) The location of the subdivision.

(C) The proposed land use of the subdivision.

(D) The total acreage of the subdivision and the number and range in size of the individual lots, if applicable.

(E) That a copy of the plan may be inspected in the Department of Community Development Office.

(2) Not less than ten (10) days prior to the scheduled Township Planning Commission meeting, the Township shall make every reasonable attempt to give notice by first class mail to all property owners as shown on the most recent tax records to be holding title to property within three hundred (300) feet of any boundary of the subdivision. The notice shall include the information required by Section 312-22(c) to be included in the published public notice.

(d) Township Planning Commission Action: The Township Planning Commission shall review the minor plan and shall report on the plan in writing to the Township Board of Commissioners and to the Applicant, recommending approval, conditional approval, or disapproval, and specifying the section of these Regulations applicable in the event of conditional approval or disapproval. The Planning Commission shall consider the provisions of this Ordinance and any other applicable ordinances, resolutions, regulations, and policies, with any conditions of approval contained in any applicable Order or Approval for any conditional use, special exception or zoning variance when reviewing subdivision and land developments. The Planning Commission shall also consider the comments submitted by the Township Engineer and any other Township consultants, agencies, bodies, commissions, boards, committees, etc., where applicable. The Planning Commission shall make recommendations to the Board of Commissioners concerning the application, effect, modification or waiver of the provisions of this Ordinance and any other applicable ordinances, resolutions, regulations, and policies on Subdivision and Land Development Applications. The Township Planning Commission shall endorse an approved minor plan as follows:

Recommended for Approval _____ by the South Whitehall Township Planning Commission.
DATE

Chairman’s Signature

Secretary’s Signature

(1) Except where an extension of time is granted to the Township in writing by the Applicant, on a form provided by the Township, the Planning Commission shall communicate its comments and recommendations to the Board of Commissioners in advance of the last scheduled meeting of the Board prior to the expiration of the review period set by applicable law for decision making. Failure of the Planning Commission to communicate its recommendations to the Board of Commissioners within the prescribed time frame shall not affect the status of the minor plan application nor cause any extension of the applicable review period.

(e) Township Board Of Commissioners Action: The Township Board of Commissioners shall review the recommendation of the Township Planning Commission; shall act on the minor plan, stating its approval, conditional approval, or disapproval, giving reasons for each within the time period set by applicable law for decision making. This time may be extended if the Applicant grants an extension of time to the Township.

(1) The decision of the Board of Commissioners shall be in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the date of the decision.

(A) When the application is not approved in terms as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute, ordinance, resolution, regulation and/or policy relied upon.

(B) When the application is proposed to be approved with conditions, prior to the meeting at which the Board of Commissioners will take action on the minor plan application, the Township shall advise the Applicant of the proposed conditions to such approval. Before the Board of Commissioners takes action on the minor plan application, the Applicant shall either (a) execute the acceptance of conditions form as presented by the Township indicating the Applicant’s acceptance of all proposed conditions or (b) indicate in writing that the conditions are not acceptable and specifically identify which conditions are not acceptable to the Applicant.

(f) Nature Of Approval By The Board Of Commissioners:

(1) The Township Board of Commissioners shall endorse said approval under such conditions as follows:

Approved _____ by the Board of Commissioners of the Township of South Whitehall.
DATE

President

Secretary

Township Engineer

(g) Recording Approved Plan: The approved minor plan, bearing the signatures of the Applicant and his technical staff, the Township Engineer, the Township Planning Commission, the Township Board of Commissioners, and the Lehigh Valley Planning Commission, shall be filed by the property owner in the Office of the Lehigh County Recorder of Deeds within ninety (90) days of the later of the date of approval by the Board of Commissioners if the plan is approved without conditions or the date of delivery of an approved plan bearing the signatures of the Applicant and his technical staff following satisfaction of all conditions imposed on the approval. Notwithstanding the foregoing, where the minor plan is approved with conditions, the Applicant shall satisfy all such conditions of the minor plan approval and the minor plan shall be recorded within twelve (12) months of date of the conditional minor plan approval by the Board of Commissioners, and if such conditions are not so satisfied, the conditional minor plan approval shall be considered void without further action of the Township, and the application for minor plan approval shall be considered void and withdrawn unless an extension is approved by the Township Board of Commissioners.

(1) Once recorded, the Applicant shall submit to the Department of Community Development:

- (A) A receipt indicating that the plan has been properly recorded.
- (B) Three (3) clear and legible white paper prints of the plan as recorded.
- (C) One (1) Mylar reproducible tracing of the minor plan as recorded.
- (D) Copies of all plans in Environmental Systems Research Institute (ESRI) ArcGIS format and Portable Document Format (PDF).

(2) Failure of the property owner to file the approved plan within this time period will automatically revoke any and all approvals of the plan and the Applicant shall resubmit the plan pursuant to Section 312-22(a).

(3) Building permits shall not be issued until such plan is recorded and the receipt from the Office of the Lehigh County Recorder of Deeds has been submitted to Department of Community Development.

312-23 MINOR PLAN - SUBMISSION AND DRAWING REQUIREMENTS

(a) Submission Requirements: Plan submission of a minor plan shall comprise the following:

(1) Plan: Ten (10) clear and legible white paper prints of the minor plan and three (3) copies of the required supporting documents.

(2) Application Form: One (1) copy of "Subdivision and Land Development Review Application". (Application forms may be obtained from the Department of Community Development.)

(3) Appropriate Fees: A review fee and an escrow fund shall be submitted in an amount established by resolution by the Township Board of Commissioners.

(4) Two (2) copies of the deed(s) for the subject property, any easements, a reference to the recorded subdivision plan (by Township File Number or Plan Name) that created the lot(s), and any zoning decisions or other recorded documents that might affect the proposed subdivision.

(5) The Applicant shall submit concurrently with the paper copies of the above, digital copies of all documents including plans, reports, letters, applications, agreements, deeds and other supporting documents in Portable Document Format (PDF). This may be accomplished via electronic mail, compact disc or a download service, as prearranged with the Department of Community Development.

(6) Certification of Central Water Supply System

(A) Extension of System: When the subdivision is to be served with water by an extension of an existing water company or authority, the Applicant shall submit one (1) copy of a letter from the water company or authority which states that the company or authority can and will adequately serve the subdivision.

(B) New System: In the absence of a public water system, or if the extension of existing municipal systems to the proposed site is deemed to be economically impractical by the Board of Commissioners, the Applicant shall be required to construct a water supply and/or distribution system to Township standards and offer to dedicate said system to the Township or its designee without cost, as a central public water supply and/or distribution system. When a subdivision is to be served by a new central water supply system, the Applicant shall apply for and obtain a permit from the Pennsylvania Department of Environmental Protection and shall supply a letter from the Applicant which states that he will comply with the Pennsylvania Department of Environmental Protection requirements.

(C) Plans and specifications for the extension of an existing water system or a creation of a new water system shall be submitted to the Township Engineer for his review and approval.

(7) Certification of Central Sanitary Sewerage System:

(A) Extension of System: When the subdivision is to be served by an extension of an existing sewer company or authority, the Applicant shall submit one (1) copy of a letter from the company or municipal agency which states that the company or municipal agency can and will adequately serve the subdivision.

(B) New System: In the absence of a public sanitary sewer collection and/or disposal system, or if the extension of existing municipal collection and /or disposal systems to the proposed site is deemed to be economically impractical by the Board of Commissioners, the Applicant shall be required to construct a sanitary sewage collector system and treatment plant to Township or its designee standards, for connection to the municipal system if and when constructed to serve the development, and offer to dedicate said system to the Township without cost, as a central public sanitary sewer collection system. If a sanitary sewage disposal system is required, the Township, at its discretion, may require that the Applicant construct the disposal system, or that said system be constructed by the Township and/or the South Whitehall Township Authority. When the subdivision requires a new central sewage collection and/or disposal system, the Applicant shall, if required, apply for and obtain a permit from the Pennsylvania Department of Environmental Protection and a letter from the Applicant which states that he will comply with the Department of Environmental Protection requirements.

(C) Plans and specifications for the extension of an existing sewage system or a creation of a new sewage system shall be submitted to the Township Engineer for his review and approval.

(8) Certification of On-Lot Sewer and Water Systems:

(A) On-Lot Sewage Disposal Systems: When the subdivision is to be served by individual on-lot sewage disposal systems, the Applicant shall submit the Application for Sewage Disposal System report (copies of the Sewage Disposal Report can be obtained from the Department of Community Development), certified by the Township Sewage Enforcement Officer that he will approve a properly designed on-lot sewage disposal system for the proposed size of lots on the subdivision. No new on-lot systems shall be permitted in areas designated in the comprehensive plan as areas to be served by public sewers unless it is anticipated that the public sanitary sewer service will not be available within one (1) year of plan approval.

(B) On-Lot Water Supply System: When the subdivision is to be served by individual on-lot water supply systems, the Applicant shall submit one (1) copy of certification by the Pennsylvania Department of Environmental Protection that the Department will approve a properly designed on-lot water system for the proposed size of lots on the subdivision. No new on-lot supply system shall be permitted in areas designated by the comprehensive plan to be served by municipal water unless it is anticipated that the public water service will not be available within one (1) year of plan approval.

(C) Plans and specifications for the extension of an existing on-lot sewage system and on-lot water system shall be submitted to the Township Engineer and Sewage Enforcement Officer, for their comment and approval.

(9) The Applicant shall transmit one (1) print of the plan to the Lehigh Valley Planning Commission for its review and comment and submit proof of transmittal to the Township.

(10) The Applicant shall transmit one (1) print of the plan to the District Office of the Pennsylvania Department of Transportation for its review and comments if the proposed subdivision abuts or is traversed by a State Highway or affects the storm drainage of a State Highway and submit proof of transmittal to the Township.

(11) The Applicant shall transmit one (1) print of the plan and one (1) copy of all appropriate supporting documents to the Pennsylvania Department of Environmental Protection for its review and comments and submit proof of transmittal to the Township.

(12) The Applicant shall transmit one (1) print of the plan and one (1) copy of the Soil Erosion and Sedimentation Control Plan, if applicable, to the representative for the Lehigh County Conservation District and submit proof of transmittal to the Township.

(13) The Applicant shall transmit one (1) copy to Lehigh and Northampton Transportation Authority (LANTA) and submit proof of transmittal to the Township.

(14) Additional data shall be submitted if requested by the Township Engineer or Township Planning Commission pursuant to this ordinance or other applicable laws or regulations.

(b) Drawing Requirements: A minor plan shall be in accordance with and show the following:

(1) The plan shall be drawn at one of the following scales: 1" = 20'; 1" = 30'; 1" = 40'; 1"=50'; 1"=60; 1" = 80'; 1"=100'.

(2) The plan sheet size shall be 24" x 36", 30" x 42", or other size pre-approved by the Township Engineer and permitted by the Lehigh County Recorder of Deeds.

(3) All sheets shall be the same size, and be numbered relative to the total number of sheets (e.g., 1 of 5, etc.).

(4) The plan(s) to be recorded shall include an index referencing each plan sheet in the plan set bearing the date and last revision date of each plan sheet. Each plan proposed to be recorded shall be identified in the index.

(5) A title block at the bottom center or at the bottom right of the plan showing:

(A) Name under which the subdivision is to be recorded.

(B) Scale.

(C) Date of plan and dates of all revisions.

(D) Name and address of the owner and of the Applicant, if different.

(E) Name and address of registered engineer or surveyor who prepared

the plan.

(F) Name of municipality in which subdivision is located.

(6) The registered professional engineer and surveyor responsible for the plan and qualified to do such work according to Pennsylvania Act No. 367 of 1945, as amended, shall certify that the plan is correct as described and shall affix his/her name, address, license number, and seal. The statement of the plan should be worded, "I hereby certify the above plan and survey to be correct in all its details".

(7) The following statements should be signed and notarized by the Applicant:

(A) The Applicant is the owner, equitable owner or has an option or conditional contract of sale on the land proposed to be subdivided or developed, that no litigation or liens exist on or are pending against the site, that the plan has been processed with the Applicant's free consent and that the Applicant desires to record the plan.

(B) The Applicant certifies that he/she will properly grade all individual lots to provide adequate surface drainage so that no low spots or water pockets create a public nuisance and that he/she will place permanent concrete reference monuments to grade as noted on the plan upon completion of grading.

(C) The Applicant acknowledges that following approval of this plan, plan changes may be required to address the comments and regulations of outside agencies responsible to review any aspect of the project reflected on this plan, including but not limited to post-construction stormwater management and NPDES permit regulations. In the event of changes to the plan following approval (whether or not the plan has been recorded), the Applicant shall submit the revised plan to the Township for review before the Applicant may move forward with construction activities pursuant to the revised plan (whether or not the plan has been recorded).

(8) North point, graphic scale, date of plan, and revision dates.

(9) Legend sufficient to clearly distinguish existing and proposed features.

(10) Site data including:

(A) Total acreage of tract.

(B) Number of lots proposed and the area in square feet or acres for each lot.

(C) Type of water supply system.

(D) Type of sewage disposal system.

(E) Zoning District and dimensional requirements compared to the Applicant's proposal.

(F) Parcel Identification Numbers from County records.

(11) A location map at a scale not more than one thousand (1,000) feet to the inch; this map must show:

(A) Relation of tract to adjoining property.

(B) Related road and highway system within one thousand (1,000) feet of the subdivision tract.

(C) Municipal boundaries within one thousand (1,000) feet of the subdivision tract.

(D) Zoning district boundaries within one thousand (1,000) feet of the subdivision tract.

(E) Watercourses and any other areas subject to flooding (flood zones).

(12) Boundaries of the tract showing bearings and distances and having an error of closure not to exceed one foot (1') in ten thousand feet (10,000). All bearings and distances shall be indicated outside the boundary line not inside with the lot dimensions. When a plan is bounded with an irregular shore line of a body of water, the bearings and distances of a closing intermediate traverse should be given and a notation made that the plot includes all land to the water's edge or otherwise. The survey should tie into the nearest United States Geological Survey monument or other established benchmark, if feasible.

(13) Proposed lot layout with dimensions to the nearest foot and net lot areas to nearest square foot.

(14) Building setback lines.

(15) Topographic contours at vertical intervals of two (2) feet.

(16) The Datum to which contour elevations refer shall be tied to an established vertical datum preferably the North American Vertical Datum of 1988 (NAVD88) and/or provide applicable conversions to this datum. The benchmark should be shown on all applicable plans.

(17) The names of owners of immediately adjacent land, and the names of existing or proposed subdivisions immediately adjacent.

(18) All existing watercourses, wetlands, bodies of water, floodplain, significant tree masses and other significant features such as rock outcrops, slag piles, quarry holes, springs, and swampy areas. All trees over six (6) inches in diameter at a height of 4.5 feet above adjacent grade.

(19) The locations, size and owners of existing buildings, sewer mains, water lines, storm sewers, culverts, petroleum or petroleum products lines, gas lines, transmission lines, fire hydrants, underground tanks, wells, septic systems within one-hundred (100) feet of the tract, and other significant man-made features.

(20) The location, character and elevation of any building within one-hundred (100) feet of the tract.

(21) The locations and widths of all sidewalks, trails, driveways, streets, easements, and rights-of-way platted or existing in the subdivision and within four hundred (400) feet of any part of the subdivision tract. If the tract is bisected by a municipal boundary, the boundary to be shown on the plans shall be as depicted on the tax maps unless another boundary has been accepted by both municipalities.

- (22) Soil types and mapped limits.
- (23) Location of proposed water and sanitary sewer services.
- (24) Evidence that safe sight distance measurement in accordance with the PENNDOT requirements can be met at a potential non-residential driveway location.
- (25) Location and dimensions of all easements and lots proposed to be dedicated or reserved for public use with dimensions in feet and tenths of a foot.
- (26) Location of permanent reference monuments in accordance with Section 312-36(f) of these Regulations.
- (27) Location and type of proposed shade trees in accordance with Section 312-40 of these Regulations.
- (28) The Applicant shall submit a project narrative that describes the proposal. This written statement shall identify the Zoning District within which the subject property is located, the names and ownership (Township, PENNDOT, or private) of the frontage streets, the parcel owner name, the Applicant name, the existing and proposed uses of the tract, the area of the existing lot, the number of proposed lots, the proposed areas of the lots, the size of the proposed building, the number of proposed parking spaces, the existing and proposed types of water service and sanitary sewage disposal, the proposed types of stormwater best management practices and any nearby historic sites.
- (29) Historical zoning relief and any other applicable zoning information shall be provided.
- (30) Officially established house numbers for street addresses as assigned by the Department of Community Development.
- (31) Landscape Plan: The plan will show clear sight triangles, overhead and underground utilities, street lights, fire hydrants, existing vegetative cover intended to remain after development and proposed new vegetative cover. The plan will address the requirements of Section 312-40 of these regulations and of the South Whitehall Township Zoning Ordinance. Significant tree masses and all trees over six (6) inches in diameter and four and a half (4.5) feet in height above grade, if sparsely scattered, should be shown.
- (32) Other information which may be required by the Township Engineer or Township Planning Commission in accordance with this ordinance or other applicable laws or regulations.
- (33) A note shall be provided on each plan to be recorded which indicates that: "This plan has been reviewed by the Township Staff and Township Engineer for consistency with municipal regulations and ordinances relating to land usage and dimensional requirements of zoning. Investigations regarding peripheral land and plan issues which are not required as part of a review process such as clarity of title, subsurface conditions including but not limited to, soil and water quality, karst geological activity, and historic and archeological issues, or such other issues (as appropriate) that may affect the merchantability of the land, have not been investigated or reviewed by the Township or the Township Engineer. The Township and Township Engineer make no representation or warranty concerning these issues, which should be addressed by qualified professionals, commissioned by the Applicant and/or land owner(s)

as appropriate, and engaged in the appropriate field of practice. Dimensions and geometry of the property boundary and any internal lots and streets have been overviewed with respect to applicable ordinance standards for mathematical completeness, clarity of depiction, consistency, closure, and area (only). The research for and determination and location of property lines, street rights-of-way, and other easements, etc. are the responsibility of the Surveyor of Record whose seal appears on this plan, and have not been independently confirmed or verified by the Township, the Township Engineer, or the Township Solicitor.”

312-24 RECORD UTILITY PLANS - SUBMISSION AND DRAWING REQUIREMENTS

(a) Submission Requirements: Simultaneous with the conveyance of the required subdivision improvements, the Applicant shall be required to provide one (1) Mylar reproducible plan and three (3) white background prints and digital copies of all documents in Environmental Systems Research Institute (ESRI) ArcGIS format and Portable Document Format (PDF) of the “As-Built” final plan.

(1) Prior to submitting these plans, one print of the record plan(s) shall be submitted to the Township Engineer for review and approval.

(2) The location of improvements and other data on the “As-Built” final plan shall be in conformity with the requirements of Section 312-23(b) et. seq. of these regulations. All construction changes shall be noted by drawing a line through the design data and showing the record data adjacent thereto. The following specific information shall also be noted:

(A) Water Distribution System: Stationing of each gate valve, bend, tee, cross, plug, and lateral. Each curb stop and valve box shall be stationed and defined with a reference tie when necessary. The location of the water main with respect to the Street centerline or utility easement line shall be shown and dimensioned.

(B) Sanitary Sewerage System: Depth, length, and station of each lateral. In the case of skewed laterals an additional reference tie shall be provided. Stationing shall be based on the commonly accepted practice of using Station 0+00 for the nearest downstream manhole.

(C) Storm Sewerage System: Invert elevations, sewer lengths, slopes, pipe diameters, and types. The final approved Post Construction Stormwater Management Plan shall be submitted to the Community Development Department, the Public Works Department and Township Engineer’s Office.

(D) Roads: “As Built” curb and/or pavement grades for intersections. Any significant deviations in the centerline profile shall be noted on the plan.

312-25 COMPLIANCE TO ORDINANCE

Any minor plan for which all the required subdivision improvements have not been substantially completed within five (5) years from the date the minor plans were given preliminary/final plan approval by the Board of Commissioners shall be subject to all amendments to Township Ordinances, resolutions, regulations and/or policies. The Board of Commissioners shall require the Applicant to amend the final minor plans to conform to the standards and the required improvements of the amended Ordinances, resolutions, regulations and/or policies which govern development in the Township, including but not limited to the Subdivision Regulations, Zoning and PRD Ordinances.

ARTICLE V**REQUIRED IMPROVEMENTS, AGREEMENT(S)
AND INSPECTION(S) FOR ALL SUBDIVISIONS****312-26 REQUIRED IMPROVEMENTS**

(a) The following improvements shall be indicated on all preliminary and final plans and shall be constructed by the developer in conformance with the final plans as approved, the applicable specifications and regulations of the Township, and/or applicable state agency, such as PennDOT and the Pennsylvania Department of Environmental Protection, and offered for dedication to the Township or Township Authority, as applicable, without cost to the Township or Township Authority where required by this Ordinance or as stipulated in any agreement applicable to the subdivision and in a manner approved by the Board of Commissioners, consistent with sound construction methods as approved by the Township Engineer.

- (1) Grading
 - (A) Road or Street rights-of-way.
 - (B) Individual lots.
 - (C) Grading of slopes from lot grades to edge of street rights-of-way.
- (2) Street or Road Surfacing.
- (3) Curbs and Gutters.
- (4) Sidewalks, trails and Crosswalks.
- (5) Underground conduits for electric, telephone, street lights and television cable lines, if available of a type approved by the Township Engineer.
- (6) Storm Sewers and Drainage Facilities.
- (7) Sanitary sewer system including but not limited to sanitary sewer laterals, submains, mains and package treatment plant when required by the Board of Commissioners in accordance with plans approved by the Township Engineer.
- (8) Water supply and distribution system including but not limited to wells, pumping equipment, water laterals and submains when required by the Township Authority or the Board of Commissioners in accordance with plans approved by the Township Engineers.
- (9) Street Name Signs at All Street Intersections and all other traffic control signs.
- (10) Street speed limit and stop signs established through a traffic study that shall be performed by the developer before dedication of rights-of-way.
- (11) Permanent Monuments.
- (12) Fire Hydrants.
- (13) Trees and Landscaping.

(14) Street lighting in accordance with Township and Pennsylvania Power and Light Company standards.

(15) Permanent or temporary storm water retention basins when deemed necessary by the Township Board of Commissioners pursuant to Section 312-39 Design of said basins shall be reviewed and approved by the Township Engineer and by the Department of Environmental Protection (if applicable), and an Indemnity Agreement indemnifying the Township, its staff, employees, etc., and approved by the Township Solicitor, shall be required.

(16) Other facilities as may be required by the Board of Commissioners pursuant to these regulations.

(b) No occupancy permits for any building or buildings to be erected shall be issued by the Township Building Code Official until the Township Engineer provides written documentation that:

(1) The roads, streets, or lanes providing access to and from existing public roads to such building or buildings have been improved to a mud-free, permanently passable condition; and

(2) That all other improvements depicted on the approved final plan, either upon the lot or lots or beyond the lot or lots in question and necessary for the reasonable use of or occupancy of any such building or buildings have been completed.

312-27 AGREEMENT OR CONTRACT AND PERFORMANCE SECURITY

(a) No final plan shall be approved by the Township Board of Commissioners until the developer has constructed and completed all required improvements as defined in Section 312-26 of these Regulations and that are shown on the plan to be recorded or on the supporting documents submitted with the application for final plan approval. In lieu of the completion of any of these required improvements, the developer shall submit to the Township a written agreement or agreements in the manner and form set forth by the Township, to guarantee the construction, installation and maintenance of all improvements required by these Regulations at the developer's sole cost and expense. The developer shall fully execute these Agreements before submitting them to the Township. No final plan shall be finally approved and recorded until all agreements are fully executed by all parties and financial security has been provided to the Township. The Agreements shall specify the following, where applicable:

(1) That the developer agrees that it will lay out, construct and maintain, at its expense, all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, trails, street lights, fire hydrants, water mains, street signs, shade trees, stormwater management facilities, sanitary sewers, landscaping, traffic control devices, open space and recreation areas, and erosion and sediment control measures in conformance with the final plan as approved, the applicable specifications and regulations of the Township, PennDOT and PADEP, and any other applicable regulations, and that it shall complete these improvements within the time or times specified by the Board of Commissioners;

(2) That the developer guarantees completion of all public improvements by posting security in the form permitted by the MPC and in an amount established pursuant to Section 312-27(c) herein;

(3) That the developer agrees to tender a deed or deeds of dedication to the Township and/or Township Authority, as applicable for such street easements and for easements for watermains, sanitary and storm sewers (including pipes, detention basins and swales), sidewalks, trails, manholes, inlets, pumping stations, and other appurtenances as shall be constructed as public improvements provided that neither the Township nor Authority shall accept dedication of such improvements until the Township Engineer provides written documentation that such improvements have been satisfactorily completed and satisfactorily maintained by the developer for the duration of the maintenance period required by the MPC. All streets, easements and other public improvements offered for dedication shall be accompanied by a metes and bounds description and plot plan prepared by the developer. The developer shall also provide a deed or deeds of dedication to the Township to permit access to privately owned and maintained improvements to permit the Township to undertake maintenance of such improvements (without any obligation on behalf of the Township to do so) should the developer or responsible party fail to adequately maintain such improvements. All deed(s) of dedication shall be provided in a form prepared by the Township or Authority Solicitor, as applicable, and shall be submitted to the Township or Authority accompanied by (i) an opinion of record title, in form acceptable to the Township or Authority Solicitor, as applicable, prepared by the Applicant's counsel (who must not be affiliated with the Applicant, must be licensed to practice law in Pennsylvania and must maintain an office in Pennsylvania) or (ii) a title insurance policy issued by a reputable title insurance company licensed to do business in Pennsylvania in such amount as is acceptable to the Township or Authority, upon advice of the Township or Authority Solicitor, as applicable, and in a form that is acceptable to the Township or Authority, indicating that the easement rights are free and clear of all liens and of all other encumbrances of any kind that could adversely affect the Township or Authority's ownership or use of such easements. The Township or Authority, as applicable, shall not accept any deed of dedication until the opinion of record title or title insurance policy required by this Section are provided and accepted by the Township or Authority Solicitor.

(4) That the developer agrees to establish a covenant that runs with the land addressing the perpetual maintenance responsibilities of stormwater management BMPs per PA DEP Title 25 Chapter 102 Section 102.8(m), as amended from time to time, and providing for access easements to allow the Township to inspect and monitor the maintenance of stormwater management BMPs. The covenant shall be in a form prepared by the Township Solicitor. The Board of Commissioners shall not accept the covenant until the opinion of record title required by Section 312-27(a)(3) is provided and accepted by the Township.

(5) That the developer agrees to correct, remedy, repair, refurbish, reconstruct, reinstall, maintain, replace and perform such maintenance to the improvements as may be necessary, in the sole and absolute discretion of the Township based on the condition of the improvements which may arise or exist during the maintenance period described in Section 312-27(f). The developer shall post with the Township security in the amount described in Section 312-27(f) for the entire maintenance period prior to the release of any remaining balance of the security posted to guarantee the installation/completion of the improvements.

(6) That the developer shall exonerate, indemnify, defend (through legal counsel of the Township's choice) and hold harmless the Township and the Township representatives of and from each and every claim arising out of, resulting from, caused by or relating to:

(A) Any failure of the developer to perform or observe any term, provision, covenant or condition of the agreements, the plan and/or the resolution of approval for the project;

(B) Any material inaccuracy and/or any misrepresentation or breach of warranty (express or implied) made by the developer or its agents;

(C) Any injury (including but not limited to death) or damage to any person, entity or property from any cause whatsoever arising out of, resulting from, caused by or related to the design, installation, construction, maintenance, quality of or failure of the improvements and/or any work performed at the property or land of others and any conditions created by the aforesaid design, installation, construction, etc., of the improvements; or

(D) Any discharge of surface water on to land of others from or through the property and other areas encompassed by the plan, the resolution approving the project and/or the agreements.

(7) That the developer, before any permit is issued to the developer and before the developer or any of its agents enter upon the property to conduct any earth moving activities, construction activities or perform any other site improvement activities, the developer shall carry insurance coverage in amounts and with companies acceptable to the Township Solicitor, consistent with the Township's policy concerning insurance coverage as may be adopted from time to time by resolution of the Board of Commissioners. Such insurance shall include, at a minimum, commercial general liability insurance, workers' compensation and employers' liability insurance and commercial motor vehicle insurance coverage.

(b) The form and type of financial security shall be approved by the Township Solicitor and shall be consistent with the Township's policy concerning financial security as may be adopted from time to time by resolution of the Board of Commissioners. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the developer posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth of Pennsylvania.

(c) The amount of financial security to be posted for completion of the required improvements shall be equal to one hundred-ten (110%) percent of the cost of completion of the required improvements based upon the Township's cost to construct and install the improvements (including prevailing wage rates), estimated as of ninety (90) days following the date scheduled for completion by the developer, plus an additional ten (10%) percent for contingencies above the estimated hard costs, the estimated cost to prepare the as-built plans required by these Regulations and any fees which are to be paid to the Township following recording of the plan, such as recreation fees, capital improvements fees, highway capital improvements fees, etc., which are not paid prior to recording of the plan. The cost estimate

also includes a separate line item for the estimated inspection fees of the Township Engineer inspecting the improvements. The estimated cost of completion of the required improvements shall be submitted by the developer for review and approval by the Township Engineer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and documented to the satisfaction of the Township Engineer by such engineer to be a fair and reasonable estimate of such cost. Upon the recommendation of the Township Engineer based on his/her review, the Township may refuse to accept such estimate. If the developer and the Township are unable to agree upon an estimate, the procedures set forth in the Section 509(g) of the MPC shall be followed. No final plan shall be approved until the estimated scheduled date for subdivision or land development construction completion is explicitly set forth on its cover sheet.

(d) If the developer requires more than one year from the date of posting of the financial security to complete the required improvements, the Township may require that the amount of financial security be increased by an additional ten (10%) percent for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred-ten (110%) percent of the cost of completing the required improvements, based upon the Township's cost to construct and install the improvements (including prevailing wage rates), as re-established on or about the expiration of the preceding one year period by using the above procedure for estimating the cost of completion of the required improvements.

(e) Phasing of Development: In the case where development is projected over a period of years, the final plan may be prepared and submitted for an initial stage of development or for subsequent stages of development provided that such stages of development had been approved by the Township Board of Commissioners as part of the preliminary plan. Final plan approval of each stage or section is subject to all provisions of Section 312-27. The Township may require guarantees for specific improvements in future stages or section if the Township finds their completion essential for the protection of any finally approved stage of the development.

(f) Where the Township accepts dedication of all or some of the required improvements following satisfactory completion on the basis of review and recommendation by the Township Engineer, the Township may require the posting of additional financial security to secure the structural integrity of the improvements as well as the functioning of said improvements in accordance with the design and specifications in the final plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication, with the exception of shade/street trees for which the financial security shall not exceed twenty-four (24) months. The amount of this additional financial security shall be equal to fifteen (15%) percent of the actual cost of installation of the improvements. The eighteen (18) month maintenance period (twenty-four (24) months for shade/street trees) shall not begin until the final inspection, approval and, where applicable, acceptance by the Township of all improvements required by these Regulations and other applicable Township ordinances, rules, regulations, resolutions, etc., within the subdivision and/or land development.

(g) Where adequate financial security has been provided as set forth above, the Township shall not unreasonably withhold the issuance of building, grading or other permits

relating to the construction of the improvements, including buildings, upon the lots or land as depicted on the final plan. Moreover, where adequate financial security has been provided and the developer complies with Section 312-26(b), occupancy permits for any building or buildings to be erected shall not be withheld following the Township Engineer's certification provided in accordance with Section 312-28(c) herein.

(h) If the developer desires to begin construction of the improvements prior to recording the final plan, signing the necessary agreement(s) and posting the required security, the developer shall sign a Pre-Security Construction Agreement in the form prepared by the Township solicitor which provides, among other things, for the developer's responsibility for all observation costs incurred by the Township while observing the developer's construction of the improvements, insurance and indemnification as required by Section 312-27(a)(6 and 7) and an acknowledgment by the developer that it agrees that it is proceeding at its own risk if it proceeds to perform work with respect to any governmental approvals and permits it must still obtain, including but not limited to, any permits which the Applicant must obtain from PennDOT.

312-28 CONSTRUCTION OBSERVATION

The installation of all improvements to be dedicated to South Whitehall Township or South Whitehall Township Authority, or related to drainage and similar improvements determined by the Township to be in the direct interest of the Township shall be subject to observation by the Township Engineer and Township Staff to check for satisfactory completion and maintenance. If such observation reveals that work is not in accordance with approved plans, specifications and/or these Regulations, that construction is not being done in a good, workman-like manner, or that erosion and sediment controls are failing to prevent acceleration erosion or water borne sediment from leaving the site of construction, the Township Engineer or Township Staff shall immediately notify the Manager of the Community Development Department of the violations or infractions. The Township is empowered to require corrections to be made and/or order the suspension of subdivision approval and to issue a cease and desist order which may include any or all of the following sanctions:

- (1) That no lot in the subdivision shall be conveyed.
- (2) That all construction on any lots for which a building permit has been issued shall cease.
- (3) That no further building permits or certificates of occupancy for any lot shall be issued. In addition to the foregoing, the Township Engineer and Township Staff are authorized to make periodic physical observations of all subdivisions and land developments under construction in the Township. In addition, the Township Engineer shall be responsible for reviewing and approving field construction or any special requirements which may be imposed by the Board of Commissioners at the time of approval of a land development and/or a subdivision plan. The Township Engineer shall report to the Board of Commissioners in writing periodically as to the status of construction and as to the status of any maintenance or bonding responsibilities, which extend beyond the completion date for any subdivision and/or land development.

(a) The cost of all legal services for the negotiations, preparation, modification or review of any legal agreements relating to a subdivision whether finally approved or not and all costs of engineering, including but not limited to field observations, will be paid to the Township by the developer to reimburse the Township for the services of the Township Engineer and Solicitor.

(b) In no case shall any township road or facility paving work be done without permission from the Township Engineer. At least three (3) working days' notice shall be given to the Township Engineer prior to any such construction, so that a representative of the Township Engineer may be present at the time the work is to be done.

(c) The Township Engineer shall be notified at least three (3) working days in advance of starting, and immediately after each of the following phases of the work has been completed, so that he or his representative may observe the work.

(1) Grading of rights-of-way and open space areas to be dedicated to the Township.

(2) Grading of subgrade, installation of subbase, and checking forms after they are set for sidewalks and curb ramps.

(3) Preparation of road subgrade.

(4) Preparation of road subbase.

(5) Setting curb and gutter forms.

(6) Road paving - - after each coat in the case of tack coat and sealing.

(7) Installation of storm drainage pipe, swales, and other drainage structures and during backfilling.

(8) Construction of detention/retention basins.

(9) Installation of sanitary sewer structures, laterals, mains and appurtenances, and treatment plants.

(10) Installation of subsurface absorption areas according to standards established by the Department of Environmental Protection, Chapters 71, 72 and 73 of the Pennsylvania Code.

(11) Existing roadway trench restoration.

(12) Installation of water mains, laterals and appurtenances, and wells and pumping storage facilities.

(d) The Township Geotechnical Consultant shall be notified at least three (3) working days in advance of starting, and immediately after each of the following phases of the work has been completed, so that he or his representative may observe the work.

(1) Sinkholes.

(2) Infiltration Facilities.

(3) Infiltration Area Construction.

(e) Final Inspection: When the developer has installed all the required improvements, a final inspection shall be made by the Township Engineer and Staff, Geotechnical Engineer, and Developer or Developer's representative to determine whether the work is satisfactory and in substantial compliance with the approved final plan drawings and the specifications. The general condition of the site shall also be considered.

(1) When the developer has completed all of the necessary and appropriate improvements listed in the agreement(s) required by Section 312-27 and/or shown on the recorded plan or plan to be recorded, or on the supporting documents, the developer shall notify the Township Manager and Manager of the Community Development Department, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer.

(2) The Township Manager or Manager of the Community Development Department shall within ten (10) days after receipt of such notice direct and authorize the Township Engineer to inspect all of the aforesaid improvements.

(3) The Township Engineer shall thereupon file a report, in writing, with the Township Board of Commissioners, and shall promptly mail a copy of the same to the developer by certified, or registered mail.

(4) The Engineer's report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township; said report shall be detailed and shall indicate approval or rejection of said improvements either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

(5) The Board of Commissioners shall notify the developer, in writing, by certified or registered mail, of their action with relation thereto.

(6) If the Board of Commissioners or Township Engineer fails to comply with the time limitation condition contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to its agreement relative to construction and installation of the improvements contained in the developer's request, but not any agreement relative to the correction, remedy, repair, refurbishment, reconstruction, reinstallation, maintenance, replacement and performance of such maintenance to the improvements as may be necessary.

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

(f) Maintenance Inspection: A maintenance inspection of all the required improvements will be made by the Township Engineer and Township Staff to determine whether the improvements have been constructed to acceptable standards of workmanship, with acceptable materials and maintained to withstand reasonable use.

(1) The maintenance inspection shall take place no sooner than fourteen (14) months or no later than seventeen (17) months after the day the Township Engineer and the

Township Manager or Board of Commissioner's give the final approval on all required improvements.

(2) Within ten (10) days of maintenance inspection, the Township Engineer shall report, in writing, his findings to the Township Board of Commissioners and to the developer granting approval or disapproval, each with reasons for action.

(3) The developer shall be notified of all required improvements which fail to pass the maintenance inspection of the Township Engineer. All such improvements shall be repaired by the developer to specifications acceptable to the Township Engineer within sixty (60) days of such notification by the Township Engineer.

(A) All such repairs shall be performed and inspected in accordance with these Regulations as if such repairs were the original installation of the improvements.

(B) An extension of time to repair improvements may be granted by the Township Board of Commissioners upon written request of the developer.

312-29 RELEASE OF PERFORMANCE SECURITY

The Township shall release the Performance Security received under Section 312-27(b) providing:

(a) Installation of all required improvements passes the inspection of the Township Engineer and Township Staff under Section 312-28(e) and Section 312-28(f).

(b) Such Township Engineer and Manager approval is obtained within one (1) year of the date fixed in the final subdivision agreement for completion of all required improvements.

(1) An extension of such time period may be granted by the Township Board of Commissioners upon written request of the developer.

(c) Developer has paid the Township for all costs which are the developer's obligation under this Ordinance or the agreement relative to construction and installation of the improvements.

(d) Developer has supplied maintenance security under the terms of Section 312-27(f) and the as-built plans required by these Regulations, including signed and sealed documentation regarding completion of Post Construction Stormwater Management BMPs.

(e) If the form of the Performance Security and agreement relative to developer's security permits portions of the Performance Security to be released as portions of the required improvements are installed and are approved by the Township Engineer, the commencement of the maintenance period shall be delayed until all of the required improvements identified in the agreement relative to construction and installation of the improvements have been approved as complete by the Township Engineer and Township Staff unless the project is phased.

(f) As the work of installing the required improvements proceeds, the developer may request that the Township release, from time to time, such portions of the financial security necessary for payment to the contractor performing the work. Any such request shall be in writing, addressed to the Township, and the Township shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to provide written documentation to the Board of Commissioners that the improvements have been completed in accordance with the approved plan. This request by the developer shall include a list of quantities of improvements installed as part of this specific request. If the Township fails to act within the forty-five (45) day period, the Township shall be deemed to have approved the release of funds as requested. The Township may, prior to final release at the time of receipt of written documentation from the Township Engineer that the improvements have been completed satisfactorily, require retention of ten (10%) percent of the estimated cost of the aforesaid improvements. An independent 15% maintenance retainer shall not be released until the financial security for the maintenance period referenced in Section 312-27(f) has been posted.

312-30 RELEASE OF MAINTENANCE SECURITY

The Township shall release the maintenance security received under Section 312-27(f) providing:

(a) The condition of the required improvements listed in the agreement relative to the correction, remedy, repair, refurbishment, reconstruction, reinstallation, maintenance, replacement and performance of such maintenance to the improvements passes the inspection of the Township Engineer under Section 312-28(e) and meets with his approval, and,

(b) Such Township Engineer approval is obtained within eighteen (18) months after the day the Township Engineer and Township Manager give the developer the final approval on all required improvements, excepting shade trees for which a two (2) year maintenance period is mandated pursuant to Section 312-40(d).

(1) An extension of such time period may be granted by the Township Board of Commissioners upon written request by the developer.

312-31 DEDICATION OF REQUIRED IMPROVEMENTS

The Board of Commissioners may require that any or all improvements, including but not limited to roads and storm water management facilities, remain in private ownership, with the maintenance responsibility placed on individual lot owners, a homeowners association or similar entity, or an organization capable of carrying out such maintenance responsibilities. Prior to the release of the Maintenance Security by the Township, all improvements, easements and rights-of-way which are to be dedicated to the Township or Authority as applicable as shown on the final plan, shall be dedicated to the Township by the delivery of a special warranty deed or bill(s) of sale, as appropriate, conveying the same to the Township in fee simple, plus developer's attorney's opinion of record title pursuant to Section 312-27(a)(3) that the land conveyed is good and marketable and free of all liens and encumbrances, or in such

other manner recommended by the Township Solicitor and approved by the Township Board of Commissioners.

312-32 FAILURE TO COMPLY

In addition to the remedies provided in Article VII for violations of this Ordinance, the Township's rights in the event of a Developer's default shall include the following.

(a) Failure to comply with the requirements of inspection will be grounds for revocation of the final approval until the developer has corrected the defects, and constitutes a violation of this Ordinance, thereby subjecting the developer to the penalties set forth in Section 312-46. Failure to obtain final inspection approval shall also be a basis for the revocation of the approval of the final plan of the subdivision by the Township Board of Commissioners, and shall be a basis for enforcing the remedies under Section 312-46, and for seeking recovery under the Performance Security and/or Maintenance Security.

(b) In the event that any required subdivision improvements have not been installed or maintained as required by this Ordinance, by the agreements between the Township and the Developer or in accordance with the approved final plat, the Township may enforce any performance security and/or maintenance security, by appropriate legal and equitable remedies. If proceeds of such performance security and/or maintenance security are insufficient to pay the cost of installing or making repairs or corrections to all of the required subdivision improvements covered by said security, the Township may, at its option, install, repair and/or correct 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 installation, repair or correction of 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, repair and/or correction of the improvements covered by such security, and not for any other municipal purpose.

312-33 SALE OR LEASING OF LOTS OR SPACE, ERECTING BUILDINGS

The sale of lots in a subdivision, the leasing of space or lots in a subdivision, the issuance of permits to erect, alter or repair any building upon land in a subdivision, and the erection of a building in a subdivision, shall be permitted only in accordance with Section 312-43.

ARTICLE VI**LOCATION AND STANDARDS OF IMPROVEMENTS FOR ALL SUBDIVISIONS****312-34 GENERAL PRINCIPLES**

(a) **Duties Of The Planning Commission.** The Planning Commission shall review the provisions of this article as applicable and as provided by Section 312-11(d), 312-13(d), and 312-22(d).

(b) Except as otherwise provided for in this ordinance, the Township Standard Construction Documents will govern/control/pertain.

(c) **Requirements To Preserve Natural And Historic Features And To Eliminate Hazardous Conditions.** The Township Planning Commission shall require that the design and development of all subdivisions shall preserve insofar as possible all natural and historic features which will add attractiveness by providing parks, adequate open space for recreation, light and air for proper distribution of population thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens and for the harmonious development of the Township. Some of these features are large trees or groves, watercourses and falls, historic areas and structures, exceptional scenic views and other community assets. Land subject to hazardous conditions such as open quarries, unconsolidated fill, floods, precipices, and water supply which does not meet U.S. Public Health Service Standards, shall not be subdivided until the hazards have been eliminated or will be overcome by the subdivision and proposed construction.

(d) **Open Space And Community Facilities.** In reviewing subdivision plans the Township Planning Commission and developer shall consider needs for and may require open space uses and community facilities.

(e) **Location Of Site.** The location of proposed subdivisions shall be viewed with regard to the following:

(1) **Comprehensive Plan and Official Map.** The subdivision should conform to any applicable provisions of the Township Comprehensive Plan and Official Map which are used as the basis for zoning and other regulated activities.

(2) **Zoning.** The use of land in the subdivision must conform to the Township Zoning Ordinance. With the exception of P.R.D. Developments, if the proposed subdivision violates any provision of the South Whitehall Township Zoning Ordinance, the developer shall first obtain the required variance from the Zoning Hearing Board before proceeding beyond the sketch plan phase.

(3) **Nearby Development.** A subdivision should be coordinated with existing nearby developments or neighborhoods so that the area as a whole may be developed harmoniously.

312-35 COURSES OF TRAVEL

(a) General Requirements

(1) Approval Of Plans. All plans for street improvements whether public or private must be approved by the Township Engineer.

(2) Names. Streets, alleys and trails shall have the names of existing streets, alleys and trails which are in alignment in the Township or in adjoining municipalities. Names of streets in a section of a subdivision shall have a common relationship subject, e.g., names of great poets, wild flowers, Indian tribes. There shall be no duplication of street, alley or trail names within the Township. The Community Development Department shall monitor the issuance and usage of Street names within the Township.

(3) Street Signs. Reflectorized street name signs shall be placed at all street intersections. Their design, size, and height shall conform to Township standards.

(4) Street Addresses. House numbers for street addresses shall be assigned by the Township Engineer and shown on a plan to be recorded.

(5) Regulatory and Warning Signs. The Applicant shall conduct traffic studies (e.g., speed limit and stop sign) using PENNDOT Traffic Engineering Forms when available on all roads within and adjacent (when required by the Board of Commissioners) to a subdivision or land development. Regulatory and Warning signs necessitated by said studies shall be erected by the Applicant at locations approved by the Township. The costs for any new traffic control signs, ordinances, advertising, etc., shall be the responsibility of the Applicant.

(6) Intersections

(A) Intersections. Intersections of local streets, alleys and trails with collector streets shall be kept to a minimum. Intersections of local streets, alleys and trails with arterial streets shall not be permitted unless otherwise approved by the Board of Commissioners with the advice of the Township Engineer.

(B) Number Of Streets At Intersection. No more than two (2) streets and/or alleys shall intersect at one point.

(C) Angle Of Street Intersections. Streets and/or alleys shall intersect at ninety (90) degrees, except where this may be impractical. Angles of less than ninety (90) degrees but greater than seventy-five (75) degrees may be designed, subject to the approval of the Township Board of Commissioners upon the recommendation of the Township Engineer.

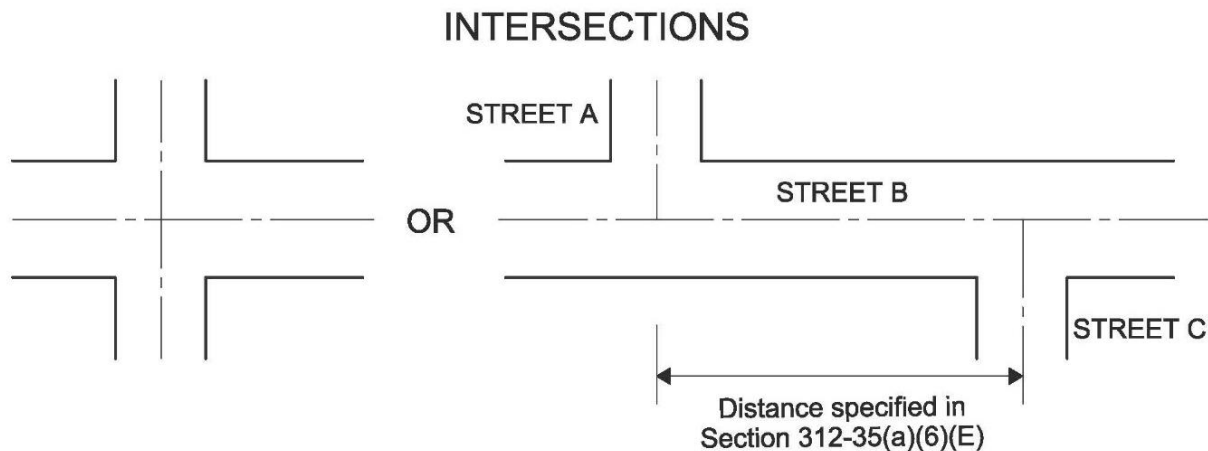
(D) Developers are encouraged to use "T" intersections.

(E) Centerlines Of Intersecting Streets. Two streets intersecting a third street from opposite sides shall either intersect with a common centerline, or their centerlines shall be offset (see diagram) a minimum distance of:

(i) Eight hundred (800) feet, if Street "B" is an arterial street.

(ii) Four hundred (400) feet, if Street "B" is a collector street.

(iii) One hundred fifty (150) feet, if street "B", is a local street-or an alley.



(F) Clear Sight Triangles.

(i) At every intersection of a public street, private street, alley, trail, or commercial driveway with a public street there shall be triangular areas deemed to be clear sight triangles. A clear sight triangle shall be determined by the intersecting centerlines and a diagonal line connecting the two points, one at each centerline. The distance of each point from the intersection of the street or driveway centerlines, as applicable, shall be as specified by PennDOT's Intersection Sight Distance or Formula Sight Distance, in the latest edition of AASHTO "A Policy On Geometric Design of Highways and Streets", as applied by PennDOT.

(ii) There shall be no obstruction of vision between a height of two (2') feet and ten (10') feet above the centerline grade of the street within the clear sight triangle.

(iii) Clear sight triangles shall be graded as necessary and kept clear of any buildings, plantings, or other obstructions.

(iv) Areas between the edge of cartway and the outer edge of the outer travel lane within any clear-sight triangle shall be designated as "No Parking" areas with appropriate signage and/or curb painting.

(b) Streets

(1) General Requirements

(A) Street Plan. Proposed streets shall be properly related to the road and highway plans of the State, County and Township.

(B) Through Traffic. Local residential streets shall be laid out to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.

(C) Street Classification. Street classifications are as designated on the Township Official Map.

(2) Types of Streets

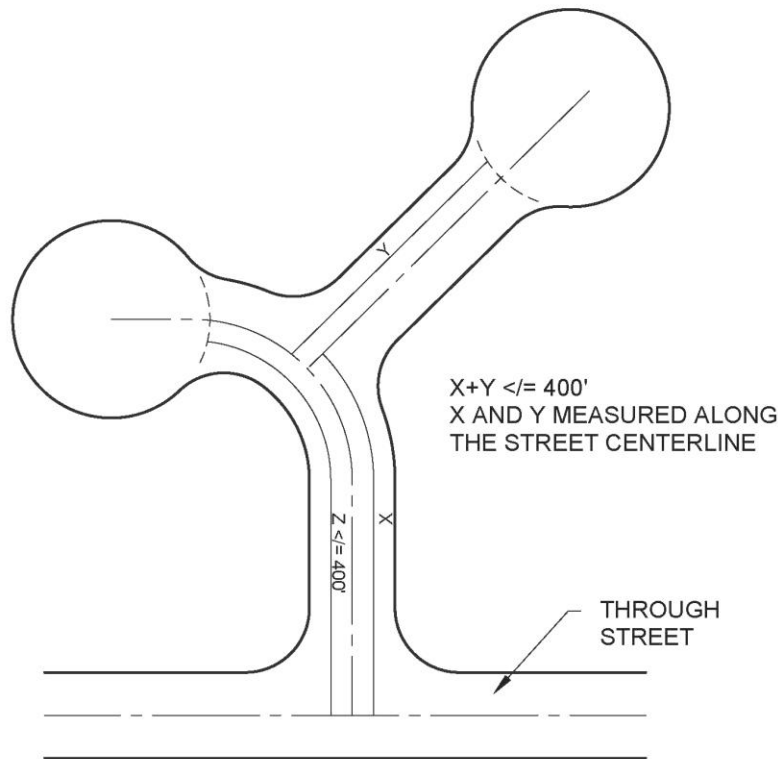
(A) Public Thoroughfare or Through Street

(B) Public Streets That Are Not Thoroughfares

(i) Dead End Streets. Dead-end streets, other than stub and cul-de-sac streets, shall be prohibited, except as hereinafter provided.

(ii) Stub Streets. To provide an integrated street system, all stub streets of abutting subdivisions shall be incorporated into the proposed street system. Stub streets greater than two hundred (200) feet in length shall be provided with a temporary turn-around to the standards required for cul-de-sacs, unless otherwise approved by the Township Engineer. Type III Barricades which meet Township specifications shall be placed as barricades at the end of every stub street constructed as part of a subdivision.

(iii) Cul-De-Sacs. Permanent cul-de-sac streets may be permitted, and must be provided with a right-of-way at the turn-around of fifty-two (52) foot radius or more and the curb radius must be forty (40) feet or more. For purposes of this Ordinance, a "cul-de-sac" means any street or portion thereof which has only one point of access to another public road, and which has a turn-around at any end thereof which does not connect to another public road. Cul-de-sac streets shall have a minimum length of 250 feet (subject to PENNDOT's recommendation to qualify for liquid fuels reimbursement) and may not be longer than four hundred (400) feet, measured from the point of the center line intersection between the cul-de-sac street and the street which provides access to the rest of the public road system, along the center line of the cul-de-sac, to the place where the turn-around begins. In addition, no turn-around in a cul-de-sac may be longer, at its longest diameter, than one hundred twenty (120) feet. No cul-de-sac or cul-de-sac system shall furnish access to more than fifteen (15) dwelling units, including corner lots whether or not they face on the cul-de-sac street. Where one cul-de-sac street connects with another street that has only one point of access with another public road besides the first cul-de-sac, such as a system diagramed below, both streets shall be considered to be one single cul-de-sac system. The length of the cul-de-sac system shall be equal to the longest length from the single point of access of the entire system to the public road system to any turn-around). A snow drop-off area shall be provided at the terminus of the turn-around area. The snow drop-off area shall be twenty-eight feet (28') wide and twenty feet (20') deep from the street curb line. The snow drop-off area shall be centered on the centerline of the street as the street approaches the turnaround area. The snow drop-off area shall be contained in an easement and shall be free of utility terminal boxes, mailboxes, fire hydrants and other facilities that may hamper snow storage, or may require accessibility during snow periods. Street curb located within the snow drop-off area shall be depressed. If applicable, sidewalk shall be located outside the snow drop-off area. The snow drop-off area shall be a permeable surface.



CUL-DE-SAC STREET SYSTEM

(C) Private Streets. A cartway width less than thirty-six (36) feet may be approved by the Planning Commission and/or Board of Commissioners provided that all other engineering requirements are complied with.

(3) Right-Of-Way and Cartway Standards

(A) General Requirements

(i) Curbs

(1) Curbs are required on all public and private streets. Curbs are also required for the ingress and egress of all parking lot access drives and non-residential driveways.

(2) Curbs are required in all internal driveways and private streets or roadways and off-street parking facilities with the exception of a single detached dwelling and two-unit dwellings.

(3) Curbs are required at all intersections and shall be rounded by a minimum radius of thirty (30) feet and extend twenty (20) feet beyond the point of tangency. Larger radii may be required by the Township Engineer.

(4) Types Of Curbs Permitted.

(A) Cement concrete curb.

(B) Belgian Block Granite Curb.

(5) Curb Specifications. - Shall be in accordance with the Township Standard Construction Documents (latest revision).

(6) Gutters. Gutters to facilitate drainage, pursuant to Section 312-39 shall be constructed on all streets to plans approved by the Township Engineer.

(A) When curbs are utilized, the Township Engineer may require paving of streets to a special cross-section to facilitate drainage.

(B) The minimum longitudinal grade across an intersection where storm sewers are not available shall be two percent. Grades less than two percent but greater than or equal to one percent may be used across an intersection if inlets are provided on the upstream side of each street to collect stormwater prior to its crossing the intersection.

(ii) Sidewalk

(1) Sidewalk Requirements Along Public Streets Or Private Ways.

(A) To provide adequate and proper pedestrian circulation, sidewalks shall be required within all subdivisions. The location and width of such sidewalks shall be in accordance with the Township Standard Construction Documents (latest revision) unless approved otherwise by the Board of Commissioners.

(2) Location width and type Of Construction Permitted. All sidewalks shall be constructed in accordance with the Township Standard Construction Documents (latest revision) unless approved otherwise by the Board of Commissioners.

(iii) Installation of Ramps. Concrete curb ramps shall be constructed at all crosswalk locations so as to make the transition from sidewalk to street easily negotiable for handicapped persons in wheelchairs and for other persons who may have difficulty in making the required step up or down from curb level to street level. Concrete curb ramps shall also be installed between the parking area and sidewalk area of, commercial, industrial, institutional and public buildings. All such ramps shall be constructed or installed in accordance with the Township Standard Construction Documents (latest revision), the designs and specifications currently utilized by the Pennsylvania Department of Transportation, the Americans with Disabilities Act, and the International Building Code (as applicable).

(iv) Concrete Driveway Aprons. Concrete driveway aprons shall be installed for all driveways which will cross an existing or proposed sidewalk. The apron shall be constructed in accordance with the Township Standard Construction Documents (latest revision).

(v) Horizontal Curves. To ensure adequate sight distance, when street centerlines deflect more than one (1) degree, connection shall be made by horizontal curves. The minimum centerline radii for local streets shall be one hundred fifty (150) feet, and of all other streets shall be three hundred (300) feet. A minimum tangent of one hundred (100) feet shall be required between reverse curves and between a curve and Street intersection. Design of horizontal curves shall be on the basis of the proposed posted speed limit. The

development plan must identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.

(vi) Vertical Curves. Vertical curves shall be used on changes of grade exceeding one percent. The minimum lengths (in feet) of vertical curves shall be according to AASHTO A Policy on Geometric Design of Highways and Streets. Vertical curves shall be consistent with the proposed posted speed limit. The development plan must identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.

(vii) Vertical Grades. Unless otherwise approved by the Board of Commissioners, upon the recommendation of the Township Engineer, the maximum and minimum grades on streets shall be:

<u>Type of Street</u>	<u>Maximum Grade</u>	<u>Minimum Grade</u>
Arterial	5 %	1 %
Collector	6 %	1 %
Local	7 %	1 %

(viii) Street Construction Standards

(1) Grading.

(A) Right-Of-Way Grading. The entire right-of-way shall be graded to the approved cross section, in accordance with Township Standard Construction Documents (latest revision) unless specifically waived by the Board of Commissioners.

(B) Grading Beyond Right-Of-Way. Where the approved profile of the centerline requires excavation or landfill to a depth exceeding twelve (12) inches in a single family residential subdivisions with a maximum density of 2.0 dwelling units/acre, or exceeding six (6) inches in all other subdivisions, the Developer shall grade beyond the right-of-way line in order to provide a continuous slope from the right-of-way line to the proposed elevation of the abutting property.

(i) Such grading shall be done to a maximum slope of four (4) feet vertical to one (1) foot horizontal in areas of rock excavation.

(ii) Such grading shall be done to a maximum slope of the (1) foot vertical to three (3) feet horizontal in areas of earth excavation or earth fill.

(2) Shoulder/Swale Treatment. If the Board of Commissioners elects to waive the curb requirement the roadside shall be treated as follows:

(A) Full width and full strength pavements as required by the typical road cross sections shall be constructed. The outer seven (7) foot wide portions of both sides of the pavement and/or pavement areas as determined by PENNDOT and/or the Township Engineer shall be considered as shoulder areas and shall be delineated by

a painted white line.

(B) A minimum 2 foot wide turfed area shall be provided between the outer edge of shoulder, and the inside top of drainage swale.

(C) Swales shall be deep enough to drain the road subgrade. Side slopes shall not exceed 2 horizontal to 1 vertical (2:1) and depths shall not exceed 1.5 feet without special protection.

(D) Where street centerline grades exceed five (5%) percent or where the calculated velocity of flow in the swale exceeds four (4) fps, a subsurface piping system shall be provided in the swale to collect and convey stormwater.

(3) Subbase Course. Construct a roadway subbase in accordance with the Township Standard Construction Documents (latest revision). Pavement base drain may also be required in conjunction with the subbase as determined by the Township Engineer and/or Board of Commissioners.

(4) Bituminous Base Course. Construct a SUPERPAVE asphalt base course in accordance with the Township Standard Construction Documents (latest revision). Should conditions warrant, the Township Engineer may require a base course of greater than minimum depth. Neither the permanent base course nor the surface course shall be constructed until all utility trenches within the cartway areas have been allowed to settle in accordance with the Township Standard Construction Documents (latest revision).

(5) Bituminous Wearing Course. Construct a SUPERPAVE asphalt wearing course in accordance with Township Standard Construction Documents (latest revision).

(6) Weather limitations as provided in the Township Standard Construction Documents (latest revision) will govern the placement of asphalt paving on streets or roads which are intended for ultimate dedication to the Township as public streets.

(7) The Final Pavement "Top Coat" shall be applied prior to the beginning of the Maintenance Period.

(B) Arterial Street

(i) Arterial Street Cross Section shall be in accordance with the Township Standard Construction Documents (latest revision).

(ii) Where traffic, soil, subsurface, terrain, drainage or other conditions warrant, the Township Board of Commissioners, or Engineer may require a wider street right-of-way, and/or increased depth of subbase, base and wearing courses, addition of a binder course, and any combination thereof.

(C) Collector Street

(i) Collector Street Cross Section shall be in accordance with Township Standard Construction Documents (latest revision)

(ii) Where traffic, soil, subsurface, terrain, drainage or other conditions warrant, the Township Board of Commissioners or Engineer may require a wider street right-of-way, and/or increased depth of subbase, base and wearing courses, addition of a binder course, and any combination thereof.

(D) Local Street

(i) Local Street Cross Section shall be in accordance with Township Standard Construction Documents (latest revision). An alternate Local Street Cross Section containing a 40-foot right-of-way and 28-foot cartway with the pavement structure in accordance with the Local Street Standard Construction Document (latest revision) may be permitted with prior approval by the Township Staff.

(ii) Where traffic, soil, subsurface, terrain, drainage or other conditions warrant, the Township Board of Commissioners or Engineer may require a wider street right-of-way, and/or increased depth of subbase, base and wearing courses, addition of a binder course, and any combination thereof.

(c) Alleys

(1) Except as otherwise required by the Zoning Ordinance, no part of any dwelling, garage or other structure shall be located within four feet (4') of the cartway of an alley.

(2) Alley pavements shall be designed in accordance with the local street standards specified in the Township Standard Construction Documents (latest revision).

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

<u>Classification</u>	<u>Minimum Separation</u>
Arterial	800 feet
Collector	400 feet
Local	150 feet

(4) An alley shall have connections at each end to public streets, and shall not terminate in a dead-end or cul-de-sac.

(5) A minimum right-of-way width of eighteen feet (18') and a minimum cartway width of sixteen feet (16') shall be provided for alleys.

(6) Alleys shall be privately owned. Applications that propose private alleys shall be governed by a Home Owners Association (HOA), which HOA shall include a written operation, maintenance, future use and ownership document that shall be recorded with the office of the Lehigh County Recorder of Deeds in conjunction with the Final Plan. The developer shall provide to the Township the HOA documents for review and approval.

(7) All alleys shall be designed and constructed in accordance with of the Township Standard Construction Documents (latest revision) and of PENNDOT Design Manual Part 2, Highway Design, and AASHTO A Policy on Geometric Design of Highways and Streets.

(d) Recreational Trails and Bicycle Paths

(1) Bicycle Paths - Bicycle paths shall be provided, when designated on or as part of an official plan or map, or as otherwise required by the Township. Bicycle lanes located within a street right-of-way shall conform to PENNDOT specifications.

(2) Recreation Trails

(A) Recreation trails shall be provided, when designated on or as a part of an official plan or map, or as otherwise required by the Township.

(B) Choice of surface materials includes but is not limited to bituminous mixes, concrete, gravel, soil cement, stabilized earth, planking, etc., subject to approval by the Township. Trails shall be constructed and maintained in a firm and stable condition.

(C) Trail width shall be a minimum width of ten feet (10').

(D) Trails shall be located in a minimum sixteen feet (16') wide easement except as where additional area is required for design and permitting (e.g., drainage facilities, stormwater BMPs, access points, etc.).

(E) Marked crosswalks shall be provided within vehicular travel ways intersecting trails according to PENNDOT standards.

(F) The intersection of a trail and a street shall conform to the clear sight triangle and safe stopping distance according to PENNDOT standards.

(3) Non-Licensed Vehicle Crossings - Non-licensed vehicle crossings (e.g., bicycle, carriage, golf carts, off-road vehicles, and snowmobiles) of a street, alley, access drive, or driveway shall conform to PENNDOT standards.

(4) Right-Of-Way and Pathway Standards

(A) Asphalt Trail

(i) Asphalt Trail Cross Section shall be in accordance with the Township Standard Construction Documents (latest revision).

312-36 BLOCK, LOT, PARKING, DRIVEWAY, OPEN SPACE, COMMUNITY FACILITIES, ELECTRIC UTILITIES, AND MONUMENTS

(a) Block Standards.

(1) In all subdivisions with a minimum lot size of less than 43,560 square feet.

(A) Block Length. The length of blocks shall not exceed twelve hundred (1,200) feet nor be less than five hundred (500) feet measured from the centerlines of the streets.

(B) Block Width. Blocks shall be wide enough to provide for two (2) tiers of lots having a depth which complies with existing zoning ordinance requirements.

(b) Lot Standards.

(1) Minimum Lot Sizes.

(A) Minimum lot size requirements shall be provided by the Township Zoning Ordinance.

(B) The minimum lot area requirements may be increased by the Board of Commissioners in accordance with the results of the soil-percolation tests required pursuant to Section 312-38.

(2) Lot Lines. Side lot lines shall be at right angles or radial to street lines.

(3) Corner Lots. The lot lines of corner lots shall be rounded to a minimum radius of twenty (20) feet.

(4) Front On Public Street. All residential lots shall abut on a public street, except with Board of Commissioners approval certain Townhouse, Apartment or Planned Residential Developments where parking lots to be used in common will be maintained by Homeowners' Associations. The Planning Commission shall recommend exceptions on the merits of each case.

(5) Access To Arterial Streets. No residential lot shall have direct access to an arterial street. Where no alternative means of access exists for a property to be subdivided only one lot depth deep, the extent of such access shall be minimized through the use of shared driveways or other means.

(6) Building Setback.

(A) In cases where the front street ultimate right-of-way line is indeterminate, the building setback shall be approved by the Township Planning Commission.

(B) In the case of corner lots, the measurement shall apply from both street ultimate right-of-way lines.

(c) Driveways.

(1) Access Permits. Driveways shall not be permitted to have direct access to State roads or highways, unless authorized by the Pennsylvania Department of Transportation through issuance of a Highway Occupancy Permit.

(2) Driveways shall intersect streets at right angles.

(3) Grades. Driveway grades shall not exceed the following:

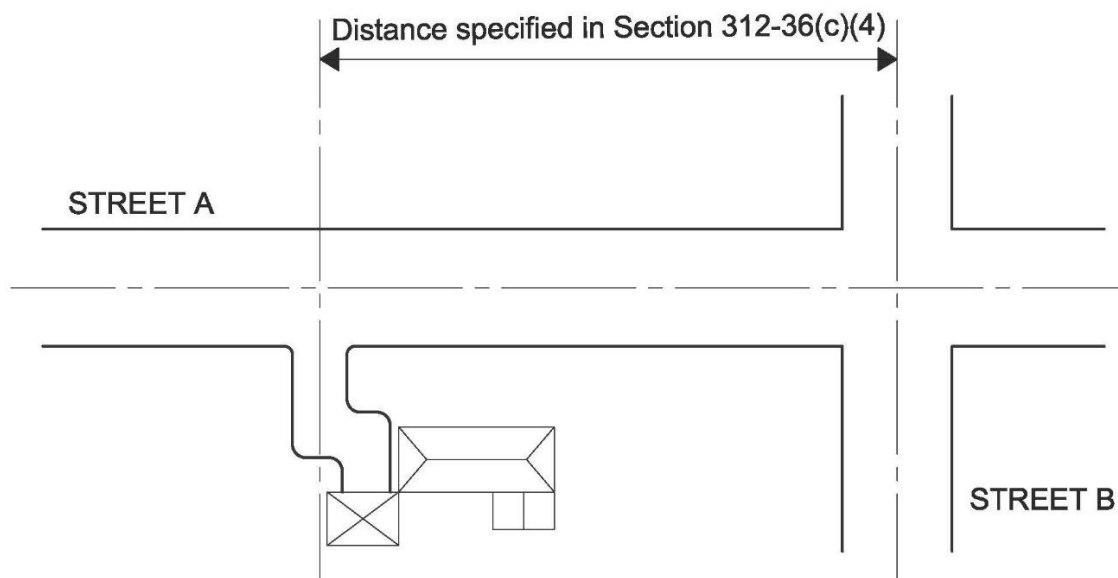
(A) Seven percent (7%) when access is to an arterial street.

(B) Ten percent (10%) with access to a local or collector street.

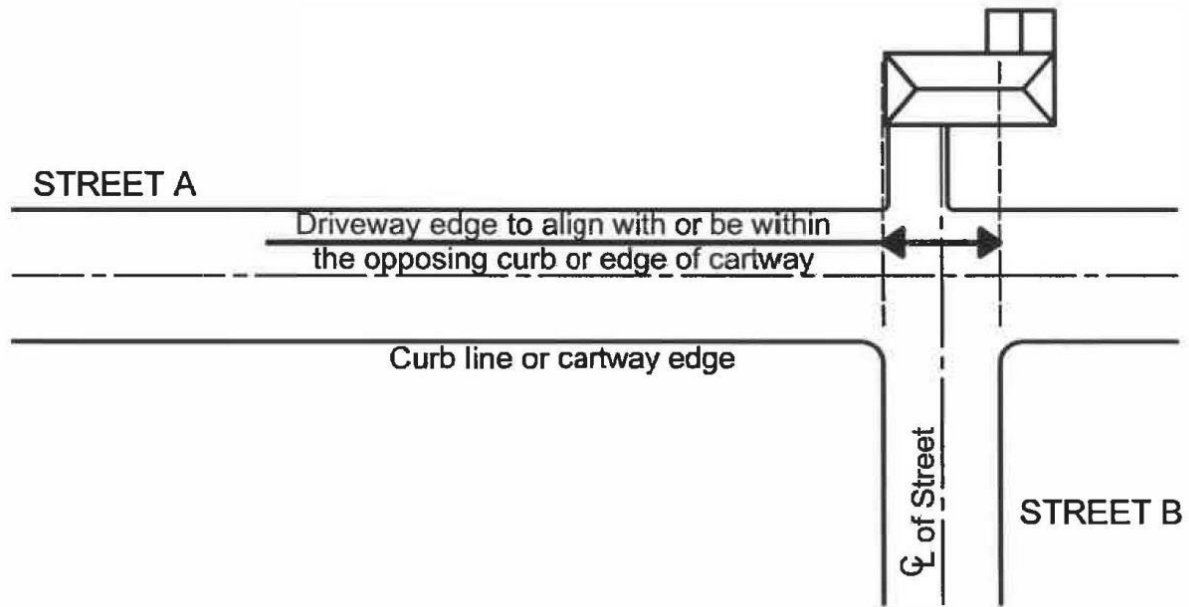
(4) The centerline of a driveway at the point of access to a street shall not be located closer to a street intersection than the following distances: (See diagram)

- (A) For single family detached residential, twins or townhouses:
- (i) One hundred ten (110) feet if either Street "A" or Street "B" is an arterial street.
 - (ii) Ninety-five (95) feet if one street is a collector and the other street is either a collector or local street.
 - (iii) Seventy-five (75) feet if both Street "A" and Street "B" are local streets.
- (B) For multi-family residential, mobile home park and all non-residential subdivisions:
- (i) Three hundred (300) feet if either Street "A" or Street "B" is an arterial street.
 - (ii) Two hundred (200) feet if one street is a collector and the other is either a collector or local street.
 - (iii) One hundred fifty (150) feet if both Street "A" and Street "B" are local streets.

DISTANCE OF DRIVEWAY FROM INTERSECTION



- (C) All driveways may be permitted within a "T" intersection. The driveway width shall be in accordance with the applicable SALDO requirements and its centerline shall align with the opposing street centerline or its location within the intersection shall not extend beyond projections of the curb or edge of cartway (when curb is not present) from the street aligned with the driveway.



(5) Widths.

(A) Driveways for multi-family residential, mobile home parks and all non-residential subdivisions shall not exceed forty (40) feet in width at the right-of-way line and shall be clearly defined by use of curbing pursuant to Section 312-35(b)(3)(A)(i).

(B) Driveways for single family residential subdivisions shall not exceed twenty (20) feet in width at the right-of-way line.

(6) All driveways with access to an arterial street shall have sufficient space to permit a vehicle to turn around and enter the street head-on.

(7) High-volume driveways, as defined by PENNDOT, on opposite sides of a street shall be located directly across from each other where possible. Otherwise, minimum separation distances in accordance with the dimensional requirements contained in 312-35(a)(6)(E)(i) shall be maintained for high-volume driveways on both the opposite and the same side of a street.

(8) Clear sight triangles as further described in Section 312-35(a)(6)(F), shall be provided for all non-residential and multi-family driveways.

(d) Open Space And Community Facilities

(1) School Sites. The Township Board of Commissioners with the advice of the School District serving South Whitehall Township, may require the Developer of residential subdivisions to reserve land to be conveyed to the School District for school sites.

(2) Fire, Police, Library And Other Public Buildings. The Township Board of Commissioners may require any Developer to reserve land to be conveyed or dedicated to the Township to provide facilities for fire and police protection, library, indoor recreation or other municipal services.

(3) Street Rights-Of-Way Reservation. At the request of the Township Engineer and/or the Township Board of Commissioners, any Developer may be required to dedicate land in addition to that required under Section 312-35(b)(3) to the Township for future street widening, if either,

(A) Vehicular traffic generated by the subdivision will cause anticipated congestion or safety hazards on existing streets, or if,

(B) Such street widening is in accordance with local and/or regional comprehensive plans.

(4) Open Space Dedication, Recreation Areas and Fees In Lieu of Land Dedication. Developers shall dedicate land or fees to the Township for parks, recreation and open space, and/or pay fees or provide facilities in lieu thereof in accordance with the following provisions:

(A) Applicability. This section 312-36(d)(4) shall be effective with respect to any subdivision or land development for which a preliminary plan or a combined preliminary/final plan is submitted after the publication of notice that revisions to any Sections regulating Open Space are pending, or after the enactment of this revision, except that this section shall not apply to:

(i) Submittals that the Board of Commissioners determines only involve clearly minor adjustments or corrections to a preliminary plan that was duly submitted and actively under consideration or approved prior to the enactment of this revision; or

(ii) Resubdivision as defined in this Chapter where no new dwelling units are proposed; or

(iii) Agricultural purpose subdivisions in zoning districts (as established under Chapter 12) where agriculture is permitted and where no new dwelling units are proposed.

(B) Land Dedication in Subdivisions and Land Development

(i) Except as provided in subparagraphs (F) through (J) of this section 312-36(d)(4), each subdivision or land development regulated under this section shall be required to offer for dedication to the Township an amount of open space which contains "Prime Open Space" in an amount not less than the applicable amount set forth below:

RESIDENTIAL

Percentage of the Total Amount of " <u>Open Space</u> " which is " <u>Prime Open Space</u> "	Minimum Required " <u>Open Space</u> " Per Dwelling Unit in the Residential Portion of the Gross Pre-Development Tract
Not greater than 25%	2,600 sq. ft.
At least 25% but not greater than 50%	2,000 sq. ft.
Greater than 50% but not greater than 75%	1,600 sq. ft.
Greater than 75%	1,200 sq. ft.

The residential land and fee requirements of this section 312-36(d)(4) shall be based upon the maximum number of new dwelling units that would be permitted to be constructed on the lots of the subdivision or land development after the plan is approved. Should a Residential Land Use, as part of a Subdivision or Development, be required to set aside Open Space as part of a Township Ordinance other than the Subdivision and Land Development Ordinance, that Residential Land Use shall be considered, for the purposes of this subsection (i), to be Non-Residential. Note that this does not include TND Innovation Overlay Districts, Planned Residential Development or similar Special Districts, as they do not constitute a Land Use.

NONRESIDENTIAL

Percentage of the Total Amount of <u>"Open Space" which is "Prime Open Space"</u>	Minimum Required "Open Space" of the Non-Residential Portion of the <u>Gross Pre-development Tract</u>
Not greater than 25%	3,000 sq. ft. per acre
At least 25% but not greater than 50%	2,400 sq. ft. per acre
Greater than 50% but not greater than 75%	2,000 sq. ft. per acre
Greater than 75%	1,600 sq. ft. per acre

Any land proposed for dedication under this section 312-36(d)(4) for which less than 25% of the "Open Space" is "Prime Open Space" shall require the approval of the Board of Commissioners, utilizing the same procedure as the required approval of as Fees In Lieu of Land Dedication as outlined in Section 312-36(d)(4)(G)(i).

(ii) Common Open Space. For the purposes of this section, the term "Common Open Space" shall mean land proposed to be dedicated as open space which:

- (1) Has adequate access for maintenance and for pedestrians;
- (2) Is not within any stormwater management facility, unless the Applicant proves to the satisfaction of the Board of Commissioners that the stormwater management facility (or the portion thereof which the Applicant desires to have classified as "Common Open Space" is designed so that it clearly would regularly be accessible and usable for recreation during all times except immediately following a storm of an intensity of a "10 year storm" or greater. Generally, stormwater management facilities, including but not limited to traditional, grass bottomed stormwater detention basins, shall not be permitted as Common Open Space. Any areas that are enclosed with fencing or are otherwise inaccessible shall not be permitted in Common Open Space;
- (3) Is not within 15 feet of any principal building;
- (4) Is not within 15 feet of a parking area (other than parking areas specifically developed to serve the open space); and

(5) Is part of a total contiguous tract of common open space which contains at least 1 acre and is of such geometry that it provides sufficient spatial ability to conduct normal public recreation activities (i.e., is not sinewy or otherwise unusable for a broad range of recreational activities), unless purposefully and knowingly designed in a more linear fashion with the consent of the Township to accommodate trails or paths, environmental protection, or scenic easements.

(iii) Prime Open Space. For the purposes of this section, the term "Prime Open Space" shall mean land proposed to be dedicated as open space which:

- (1) Has a slope of less than six percent (6%) over all distances of no more than three (3) feet;
- (2) Is not a wetland under the applicable federal or state laws;
- (3) Is part of a contiguous tract of at least 2 acres, which may include preexisting adjacent open space;
- (4) None of which is within the "100 Year Floodplain", as defined by official floodplain maps of the Township; and
- (5) Has topsoil to a depth of four (4) inches or more at all points.

(C) Open Space to Be Dedicated.

(i) Land to be dedicated under this section 312-36(d)(4) shall be suitable, prior to dedication, for its intended purpose, as determined by the Township Board of Commissioners. Should such land be deemed unsuitable by the Board of Commissioners, the Applicant may offer the following: (a) different lands for dedication; (b) fees in lieu of land dedication; or, (c) a combination of both, as regulated under this Section 312-36(d)(4). The Board of Commissioners shall have sole discretion as to which of the aforementioned options offered by the Applicant is acceptable to the Township.

(ii) The following factors shall be considered in determining the suitability of open space to adequately serve intended recreational needs:

- (1) Whether open space in the proposed location would be suitable for active or passive recreation;
- (2) Whether open space could be added to an existing adjacent recreation area;
- (3) Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for young pedestrians and bicyclists to safely reach those lands;
- (4) Recommendations of the Township Park and Recreation Board, which shall be given an opportunity to provide a review;

(5) Relevant policies of the most current Township Park, Recreation and Open Space Plan;

(6) Whether the proposed open spaces would preserve important natural features (such as woodlands or creek valleys) that might otherwise be disturbed or adversely affected;

(7) Whether the area will involve a significant concentration of residents, especially in homes without large yards;

(8) Whether it will be possible to combine open space on this tract with additional open spaces on an adjacent tract, when that tract is developed in the future; and

(9) Any other factor set forth in this section 312-36(d)(4), or deemed relevant to the particular tract by the Township.

(iii) The Board of Commissioners may require that land to be dedicated under this Section 312-36(d)(4) be located along an edge of the property so that it may, in the future, be combined with an open space dedication on the edge of an adjoining property when that adjoining property is subdivided or developed, and/or so that it may be combined with an existing adjacent open space dedicated for open space or recreation purposes. If the Applicant owns one or more adjacent tracts that are not currently proposed to be subdivided or developed (or is not currently planning to develop all of the original tract being subdivided), the Applicant shall provide a sketch of a possible future land dedication on the adjacent lands (or the undeveloped portion of the original tract) in the event of future development.

(iv) The Applicant shall state in his/her application those improvements (if any) he/she intends to make to the land proposed for dedication hereunder to make it suitable for its intended purpose, such as rough grading, drainage improvements, landscaping, clearance of undesirable vegetation or development of trails. Such land shall be free of construction debris, excavated materials and solid waste prior to dedication.

(v) Areas intended for active recreation shall be well-drained, shall have a slope of no greater than 4 percent (4%) over all distances of no more than three (3) feet, and not require that a wetland be filled in in order to be used as intended.

(D) Condition of Open Space. All open space to be dedicated to the Township shall be improved, if necessary, by the Applicant prior to acceptance of dedication by the Township, so that all of the following conditions are satisfied:

(i) Topsoil. Shall be in accordance with the Township Standard Construction Documents (latest revision)

(ii) Lawn Areas. Shall be in accordance with the Township Standard Construction Documents (latest revision)

(iii) Fencing. Shall be in accordance with the Township Standard Construction Documents (latest revision)

(iv) Permanent Monuments. Permanent concrete monuments shall be placed in all locations where a change in horizontal alignment occurs on the property line of the land to be conveyed to the Township.

(v) Maintenance Obligations. The maintenance obligations for the said lands shall not be undertaken by the Township until all of the requirements of this subparagraph (D) have been satisfied.

(E) Terms of Dedication. All open space dedicated under this section 312-36(d)(4) shall include deed restrictions to permanently prevent the development of buildings, except buildings for non-commercial recreation or to support the maintenance of the land for recreation.

(F) Alternate Beneficiaries of Open Space Dedication (Other Than Township).

(i) Open space required under this section 312-36(d)(4) shall be dedicated to the Township, unless the Board of Commissioners agrees to allow a dedication to any of the following: the Parkland School District, the County of Lehigh, the Commonwealth of Pennsylvania, the United States of America, a municipal authority, a condominium association or homeowners association, or an environmental organization acceptable to the Board of Commissioners. In all of the above instances, deed restrictions acceptable to the Township Solicitor shall be inserted into the deed of the open space land stipulating that such land shall be reserved in perpetuity for open space and recreation purposes.

(ii) If required open space is to be owned by a condominium association or home owners association, the Applicant shall establish such association in a form that requires all property owners within the association to annually contribute to the maintenance of the open space. Provisions of any condominium association or homeowners association agreements regarding required open space shall be subject to acceptance by the Board of Commissioners, based upon review by the Township Solicitor.

(G) Fees In Lieu of Land Dedication.

(i) In General. Fees, in the amount provided in this subparagraph (G), may be accepted in lieu of the dedication of open space if both the Applicant and the Board of Commissioners agree. Such an agreement shall be indicated through a motion by the Board of Commissioners in public session after receiving a recommendation from the Parks and Recreation Board regarding the proposed payment of fees in lieu of land dedication. For all residential or mixed-use land developments containing more than fifty (50) residential dwelling units, such an agreement shall be secured prior to preliminary or preliminary/final plan submission. Whenever fees are permitted, the Applicant shall place a note on the preliminary and final record plans stating that such fees are required to be paid as part of the subdivision or land development approval.

(ii) Combination of Land and Fees. The Board of Commissioners and the Applicant may agree on any combination of open space dedication and payment of recreation fees, provided that the value of the combination to the Township, its residents, and/or persons employed in the Township, is consistent with the requirements of this section 312-36(d)(4) when only land is dedicated or only fees are paid. Such an agreement shall be

indicated through a motion by the Board of Commissioners in public session after receiving a recommendation from the Parks and Recreation Board regarding the proposed combination of open space dedication and payment of recreation fees. Such an agreement shall be secured prior to preliminary or preliminary/final plan submission for all residential or mixed-use land developments containing more than fifty (50) residential dwelling units.

(iii) Fees for Residential Subdivision or Land Development. The amount of fees to be paid in lieu of open space land dedication in residential portions of subdivisions or land developments shall be a fee per dwelling unit (as listed in the Township Fee Schedule, as amended), based upon the maximum number of new dwelling units that would be permitted to be constructed on the lots of the subdivision or land development after the final plan is approved.

(iv) Fees for Nonresidential Subdivisions or Developments. The amount of fees to be paid in lieu of open space land dedication in nonresidential portions of subdivisions or land developments shall be a fee per square foot (as listed in the Township Fee Schedule, as amended) of additional proposed impervious coverage (post-development impervious surface minus pre-development impervious surface) as depicted on the final plan in lieu of the requirement for public dedication of land. Impervious coverage includes buildings, parking lots and any other man-made impervious surface. Only a net increase in impervious coverage will result in a fee to be charged.

(H) Use of Fees.

(i) Any fees collected under this section shall be placed within an interest-bearing account and shall be accounted for separately from other Township funds

(ii) To ensure that the lands and facilities dedicated or provided hereunder are accessible to the residents and employees of the developments that paid fees toward their cost, the "Recreation Fee District Map" set forth in clause (v) of this subparagraph (H) designates two (2) overlapping "Recreation Fee Districts"-- the "Western Recreation Fee District" and the "Eastern Recreation Fee District". Except as provided in clause (iv), all fees collected under this section 312-36(d)(4) with respect to any given subdivision or land development shall only be expended within that (those) Recreation Fee District(s) which include all or part of the subdivision or land development.

(iii) Such fees shall only be used in accordance with the MPC. Fees do not have to be spent on land acquired as part of a "combination of land and fees" agreement.

(iv) A portion of the fees for each subdivision or land development may also be used for the acquisition and development of centrally located park or recreation area(s) providing programs and facilities for the entire Township.

(v) Recreation Fee District Map (latest edition).

(I) Timing of Fees. Fees to be paid under this section 312-36(d)(4) in lieu of open space land dedication shall be paid prior to the recording of the final plan, except as follows:

(i) If the required fee would be greater than \$10,000.00, and the developer and the Township mutually agree to provisions in a binding development agreement to require the payment of all applicable recreation fees prior to the issuance of any building permits within each clearly defined phase of the development, then the fees are not required to be paid prior to recording of the final plan but may instead be paid within the requirements of that development agreement.

(J) Modifications to Land Dedication and Fee Requirements. The Board of Commissioners may reduce the land dedication or fee requirements of this section 312-36(d)(4) if the developer agrees to undertake one or more of the following actions, provided that the value of the combination of land, fees, and such actions to the Township, its residents, and/or persons employed in the Township, is consistent with the requirements of this section 312-36(d)(4) when only land is dedicated or only fees are paid:

(i) Construction of substantial permanent recreation facilities within the proposed subdivision or land development and/or existing open space;

(ii) Donation (or sale at a price below market value) of appropriate land to the Township (or any other public entity described in subparagraph (F)) for public recreation. In the case of a sale under this clause, the developer or land developer must provide evidence of the fair market value of the property from qualified professionals.

(e) Electrical Utilities.

(1) All electrical utilities, including electric power, street lights, telephone, and television cable lines, shall be placed underground and shall be placed a minimum of one (1) foot from all property lines.

(A) The installation of underground conduits for electrical utilities shall be performed in accordance with the current standards of the electrical utility companies serving the subdivision.

(2) Electrical Utilities Easement. Easements for the installation of underground conduits for electric power, telephone, and television cable lines shall be provided so that each lot or leased unit can be practically served.

(A) Location. The location of such easements shall meet the approval of all firms providing electrical utilities and the approval of the Township Engineer and the Township Planning Commission. Electrical utility installations shall be so located as to permit multiple installations.

(B) Width. Such easements shall have a minimum width of twenty (20) feet.

(C) No portion of a water supply and distribution system, storm water system, or sewage collection and disposal system shall be permitted in such easements, unless approved in advance in writing by the Township Engineer.

(f) Monuments.

(1) Location. Permanent reference monuments shall be located at each street intersection, at the beginning and ending of all street curves, and at exterior corners of the subdivision designated by the Township Engineer.

(A) The Developer may install monuments on only one side of the street provided that enough monuments are set to permit a surveyor to stake out accurately any building lot on the Final Plan.

(B) Type. Reference monuments shall be constructed of steel reinforced Portland cement concrete to the dimensions shown on the accompanying drawing, or as approved in advance in writing by the Township Engineer.

(C) Placement. Reference monuments shall be placed so that the top of the monument is flush with the finish grade. (see Township Standard Construction Documents (latest revision))

312-37 WATER SUPPLY AND DISTRIBUTION AND FIRE PROTECTION

(a) All lots and leased units in a subdivision or land development shall be provided with adequate supply of water by means of one of the following methods:

(1) Connection to a central public water system designed and constructed by the developer to the standards of the Township Authority or governing public utility as well as the Pennsylvania Department of Environmental Protection and shall be approved by such agencies prior to final plan approval.

(2) Where the Township determines that the public water supply system cannot feasibly provide service to the proposed development, an individual on-lot water supply system shall be utilized in accordance with minimum standards approved by the Pennsylvania Department of Environmental Protection.

(b) Fire hydrants shall deliver water at the minimum rate and duration as specified by the Owner’s design consultant and insurance carrier, but in no case less than the following minimum rates in the following types of major subdivisions:

Type of Subdivision

	Minimum Fire Flow at 20 psi Residual Pressure (gpm)	Minimum Duration of Sustained Minimum Flow Rate (hr)
Residential		
Distance Between Units (Ft.)		
Over 100	500	2
31-100	750	2
11-30	1,000	2
Less than 11	1,500	2
Non-Residential and Residential		
<u>Greater Than Two Stories</u>	2,000	4

Fire flow tests shall be conducted using the National Board of Fire Underwriters method of testing. The Developer shall schedule tests with the Township Public Works Department.

All fire flows for minor subdivisions shall be determined by the Board of Commissioners based on a recommendation by the Public Safety Commission.

(c) The minimum working pressure during domestic flow conditions (at the service entrance to each lot or leased unit), in the outlying parts of the distribution system, shall be thirty-five (35) pounds per square inch. In the central or built-up sections of the distribution system normal working pressures shall be sixty (60) pounds per square inch and shall not be less than thirty-five (35) pounds per square inch. A minimum of twenty (20) pounds per square inch shall exist at any point in the system during periods of fire flow.

(d) Wherever a central water system is provided by the developer, sufficient fire hydrants shall be installed so that no portion of an occupied building is more than three hundred (300) feet from a fire hydrant. The hydrants shall be designed and constructed in accordance with the Township Standard Construction Documents (latest revision).

(e) In all multi-family residential and non-residential subdivisions, the Developer shall provide a fire protection system to inhabited and public areas in buildings and other areas designated by the Township Planning Commission.

(g) The recommendation of the Insurance Services Office and/or the National Board of Fire Underwriters may be used to determine the required fire flow for specific types of buildings and degrees of hazards.

(h) Where public water service is required, the developer shall at a minimum provide an easement(s) suitable for the future extension of waterlines to serve adjacent properties, unless the developer shows that such extensions would not be physically possible.

(i) Construction Specifications. Township Standard Construction Documents (latest revision) as adopted by the Township will govern water system construction. Copies are available at the Municipal Building upon request and payment of cost of reproduction.

(j) Where local, county, and/or regional Master Plans indicate that construction or extension of municipal or central water system lines may serve any subdivision area within one year after final plan approval, the Township Board of Commissioners shall require the installation and capping of water mains and house or mobile home connections in addition to the installation of temporary individual on-lot water systems in such residential subdivision. Responsibility for the design and supervision of installation of all capped water lines, laterals and house or mobile home connections shall be that of the developer with the approval and cooperation of the applicable water authority or company. Designs of water mains and house or mobile home connections shall be approved by the Township/Authority Engineer. Plans for such connection to water mains and for temporary on-lot systems shall be approved by State and Regional agencies pursuant to Section 312-37(a)(1) and (2).

312-38 SANITARY SEWERS

(a) In all new subdivisions and land developments, all lots or leased units shall be provided with adequate means of sewage disposal (either on-lot or centralized systems) that will meet current Department of Environmental Protection rules and regulations, the State Sewage Facilities Act and Township/Authority standards by one of the following:

(1) Connection to a central public sanitary sewerage system, or to an extension from an existing central public sewerage system, designed and constructed to the current applicable standards of South Whitehall Township and approved by the Pennsylvania Department of Environmental Protection and the Environmental Quality Board and the Environmental Hearing Boards, if necessary.

(2) Connection to a nonpublic central sewerage system. Nonpublic sanitary sewerage systems shall only be permitted where the applicant proves to the satisfaction of the Board of Commissioners that all three of the following conditions apply:

(A) There are no other reasonable alternatives;

(B) The facilities would be consistent with the Township's Sewage Facilities Plan;

(C) There is an acceptable mechanism to ensure and fund long-term professional operations and maintenance of the non-public sanitary sewerage system.

(3) Long term or temporary individual on-lot disposal systems approved by the Department of Environmental Protection and the South Whitehall Township Certified Sewage Enforcement Officer.

(b) All non-public sanitary sewerage systems shall provide a tertiary level of treatment.

(c) Where local, county, and/or regional Master Plans indicate that construction or extension of sanitary sewers may serve any subdivision area within five (5) years after final plan approval, the Township Board of Commissioners shall require the installation and capping of sanitary sewer mains and house or mobile home connections in addition to the installation of temporary individual on-lot sanitary disposal systems in such residential subdivision. Responsibility for the design and supervision of installation of all capped sewers, laterals, and house or mobile home connections shall be that of the developer with the approval and cooperation of the Township/Authority. Plans for connection to sanitary sewers and for temporary on-lot systems shall be approved by State and Regional agencies.

(d) Where On-Lot Sanitary Sewage Disposal Systems are proposed, the Developer shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that the On-Lot Sanitary Sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed. The minimum standards as set forth in Rules and Regulation, Title 25, Pennsylvania Department of Environmental Protection shall be observed by the developer or the owner of the lot.

(1) Design of the on-lot sewage disposal system for subdivisions shall be reviewed and approved by the Township Sewage Enforcement Officer (SEO).

(2) Percolation Tests. Percolation tests for the subdivision shall be conducted on each proposed lot. Each percolation test shall be located to observe all pertinent horizontal isolation distances. Percolation tests may be made by any of the following:

(A) Lot owner, Developer or their agents under supervision of Township Certified Sewage Enforcement Officer.

(B) South Whitehall Township Certified Sewage Enforcement Officer.

(C) Registered Professional Engineer under the supervision of the Township Sewage Enforcement Officer.

(3) Size Of Trench Area. Trench area and length of trench shall be determined by the percolation rate of the soil.

(A) An on-lot sewage disposal system aggregate absorption area shall be sized and designed based on the requirements of Title 25, Pennsylvania Code, Chapter 73.

(B) Alternate type systems may be approved pursuant to Department of Environmental Protection Regulations, Chapters 71 and 73.

(e) The Township Board of Commissioners may require larger lots, in subdivisions with on-lot sewage disposal, than as required by the Zoning Ordinance of South Whitehall Township if the space requirements for septic tanks and drainage fields, pursuant to Section 312-38(d), warrant such an increase.

(f) Cesspools and drilled sinks (deepwell injection) are prohibited.

(g) All central sanitary sewerage collection systems which will discharge to a public sanitary sewerage system shall be dedicated to the South Whitehall Township Authority.

(1) Construction Specifications. Township Standard Construction Documents (latest revision) as adopted by the Township will govern sanitary sewerage system construction. Copies are available at the Municipal Building upon request and payment of costs of reproduction.

312-39 STORM DRAINAGE

(a) General Requirements. Stormwater management facilities shall be provided where necessary to adequately control storm runoff in accordance with all applicable state and local laws and to protect the general public and prevent undue damage to public and private property. To the extent that the provisions of this section conflict with any Stormwater Management Plan adopted by the Township, the more stringent criteria shall prevail.

(1) Any proposed storm drainage plans which affect the drainage basin of any river or stream shall be approved by the Pennsylvania Department of Environmental Protection if the drainage basin so affected has an area of at least one-half (0.5) square mile.

(2) Storm sewers, culverts, and related installations shall be provided to permit the unimpeded flow of natural watercourses, to ensure the drainage of all low points on the subdivided lots and along the line of streets, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained. The system shall also be designed in accordance with Stormwater Management Plan (SMP) Section 296-14.S.

(A) Developers shall dedicate easements, pipe collection systems and structures for storm drainage to the Township.

(3) No storm water run-off or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private or public lands, without proper and approved provisions being made for taking care of these conditions.

(A) The Township Board of Commissioners with the advice of the Township Engineer shall decide what provisions, including but not limited to suitable detention basins shall be made to implement Section 312-39(a)(3). Where stormwater management facilities are permitted, adequate assurances of maintenance, indemnification, liability insurance and security shall be provided by agreement with the Township, which agreement shall be approved by the Township Solicitor.

(4) In areas in which street curbs are not required by the Township Board of Commissioners or Township Engineer, drainage may be accomplished by natural or artificial swales and culverts. Special structures such as check dams, drop-outlets, permanent detention basins or other energy dissipating structures or rip-rap may be required to prevent scour or erosion in locations with large run-off quantities or high velocities.

(A) Developers shall dedicate easements and/or structures for storm drainage to the Township pursuant to Section 312-39(a)(4) where swales and/or culverts traverse or enter onto private property.

(B) The Township Board of Commissioners may require a fixed pipe collection system with catch basins.

(5) A subsurface collection system with catch basins shall be used in all areas in which street curbs and gutters are required.

(A) Underdrain pipe systems may shall be required where soil conditions warrant their installation.

(6) Developer shall grade and install all necessary drainage facilities to ensure the drainage of all low points on subdivided lots or within the subdivision.

(7) Designs Of Storm Drainage Systems.

(A) Designs shall be prepared, signed, and sealed by a licensed professional engineer.

(B) Complete detailed calculations shall be submitted to the Township Engineer for his approval.

(C) All designs must be reviewed and approved by the Township Engineer.

(b) Collection System. The collection system shall be designed by the Rational Method of Design in accordance with American Society of Civil Engineers Manual No. 37 except as noted using the formula $Q=CiA$, as amplified by the following sections.

(1) "Q" is the required capacity in cubic feet per second for the collection system at the point of design.

(2) "C" is the run-off coefficient applicable to the entire drainage area. It shall be based on consideration of soil conditions, average slope of the drainage area and the ultimate development of the entire drainage area according to comprehensive plans. For various types of ultimate development, the run-off coefficient shall be within the ranges specified in accordance with SMP Section 296-15.M.

(3) "i" is the rainfall intensity in inches per hour and shall be determined from a calculated time of concentration and specified storm frequency. Time of concentration shall be computed in accordance with the requirements contained in SMP Section 296-16.N. Design storm frequencies shall be 25-year for residential and all other developments. Rainfall intensities shall be in accordance with SMP Section 296-15.K. Any conveyance system designed to transport runoff from a tributary area of greater than 100 acres shall be designed for the 100-year frequency design storm.

(4) "A" is the drainage area, in acres, tributary to the point of design, and shall include tributary from outside sources as well as from within the subdivision itself. All calculations shall be accompanied by a drainage area map showing all areas tributary to each structure or discharge point.

(5) Pipes and conduits shall be designed on the basis of Manning's formula and the Continuity Equation.

$$v = \frac{1.486}{n} * r^{\frac{2}{3}} * \sqrt{s}$$

"v" is the mean velocity of flow in feet per second.

"n" is the coefficient of roughness.

n equals 0.013 for concrete pipe.

n equals 0.021 for asphalt coated corrugated metal pipe, 25 percent (25%) paved. "r" is the hydraulic radius in feet.

"s" is the slope of the energy grade line.

"Q" equals VA where "A" equals cross-sectional area in square feet.

$$Q = V * A$$

(6) Culverts shall be designed on the basis of inlet or outlet control as appropriate, except where a more detailed backwater analysis is deemed warranted by the Township Engineer.

(7) Manholes shall be spaced at intervals not exceeding four hundred (400) feet, and shall be located wherever branches are connected or sizes are changed and wherever there is a change in alignment or grade.

(8) For sewer lines of at least thirty-six (36) inches diameter, manholes may be spaced at intervals greater than four hundred (400) feet with the approval of the Township Engineer.

(9) Sewer lines shall be located between the centerline of the street and the curblineline and shall parallel the centerline of the street as far as practical. Sufficient number of structures shall be provided such that unnecessary crossings of other utility lines and passage beneath curbs are eliminated.

(10) Culvert and/or hydraulic grade analysis, and inlet grate capacity calculations, shall be provided with storm sewerage system design calculations.

(c) Swales. Swales used for outlets shall be designed on the basis of Manning's formula with the following considerations:

(1) The roughness coefficient shall be:

0.040 for earth swales, and

0.015 for paved swales.

(2) Design velocity in earth swales shall not exceed four (4) feet per second.

(3) A swale right-of-way of sufficient minimum width to include a ten (10) foot access strip in addition to the width of the swale from bank top, shall be offered for dedication to the Township for drainage purposes. The Township Engineer may, under unusual conditions, require a wider swale right-of-way.

(4) Side or rear yard swales upstream or downstream of pipe culverts will be permitted only under the following conditions. If any one of these conditions cannot be met the stormwater shall be piped in an underground system.

(A) The diameter of the pipe culvert does not exceed 18 inches and the depth of flow in the swale for a 25 year frequency storm is less than 1 foot;

(B) The side slopes of the swale are not steeper than 4 horizontal to 1 vertical (4:1). An easement of sufficient width to encompass the design full flow cross section plus 1 foot of freeboard at the design cross slope shall be offered for dedication to the Township;

(C) A note shall be added to the plan to be recorded that the ground surface elevations in any such drainage easements may not be altered by the property owner without the express, advance, written permission of the Board of Commissioners;

(D) Flared end sections shall be provided on the open pipe ends in lieu of headwalls. The pipe shall be extended as far as is necessary to achieve a maximum 4:1 slope on the roadway embankment commencing at the edge of right-of-way in the case of a curbed roadway or at the edge of shoulder in the case of a non-curbed roadway.

(d) Detention Basins.

(1) Permanent detention basins may be required by the Township Engineer or Board of Commissioners as part of a Storm Water Drainage Plan when the rate of runoff after development will exceed the pre-development condition.

(2) Detention basins shall be designed to drain completely after every storm in order to avoid problems associated with stagnant water unless as otherwise approved by the Board of Commissioners upon recommendation of the Township Geotechnical Consultant. Basins located in residential areas should have very flat slopes (less than 4 horizontal to 1 vertical) and shallow water depths (less than 30"). A minimum longitudinal slope of two percent shall be provided across the basin floor. Detention Basin designs shall be in accordance with Township Standard Construction Documents (latest revision).

(3) Fencing shall be required around detention basins in the following cases:

(A) The maximum depth of water in the basin for a 10 year or a storm of greater intensity design storm is greater than 30";

(B) The side slopes of the basin are steeper than four (4) horizontal to one (1) vertical;

(C) The time to empty the basin is longer than 3 hours;

(D) The detention basin is to be dedicated to South Whitehall Township, and fencing is requested by the Township; or

(E) The Board of Commissioners determines that the public safety would be endangered if the basin is not fenced.

(4) Fencing and associated warning signs shall be in accordance with the Township Standard Construction Documents (latest revision).

(5) Outflow pipes shall be provided with child-proof screening.

(6) Detention basin design shall be based upon the general design requirements of Township Stormwater Management Plan which provides for stormwater management.

(7) The rate of outflow from the basin shall be restricted in accordance with the current provisions of the Act 167 Stormwater Management Regulations.

(8) A minimum 12-foot wide ramp at a maximum 10 percent slope shall be constructed near the basin access fence to permit access to the bottom of basins for maintenance.

(9) Anti-seep collars shall be provided along basin discharge pipes.

(10) In sinkhole prone soils, detention basins shall be lined with a material in accordance with SMP Section 296-9.J.

(e) Soil Erosion And Sedimentation Control.

(1) No changes shall be made in the contour of the land, no grading, excavation, removal or destruction of the topsoil, trees, or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed and approved by the representative for the Lehigh County Conservation District, South Whitehall Township and the Board of Commissioners.

(2) No subdivision plan shall be approved unless (1) there has been a plan approved by the representative for the Lehigh County Conservation District and the South Whitehall Township Board of Commissioners that provides in the opinion of the South Whitehall Township Board of Commissioners for minimizing erosion and sedimentation and acceptable securities are deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or (2) there has been a determination by the representative for the Lehigh County Conservation District and the South Whitehall Township Board of Commissioners that a plan for minimizing erosion and sedimentation is not necessary.

(3) Measures used to control erosion and reduce sedimentation shall comply with the standards and specifications of the Lehigh County Conservation District and receive the approval of the District. Once the subdivision plans have been finally approved, the District shall ensure compliance with the appropriate specifications and plans.

(4) Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, watercourses, roads and rights-of-way, and to repair any damage at this expense within twenty-four (24) hours of the occurrence.

(5) Each person, corporation or other entity which makes any surface changes shall be required to:

(A) Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.

(B) Handle existing and potential off-site runoff through his development by designing to adequately handle storm runoff from a fully developed area upstream.

(C) Provide and install at his expense, in accordance with Township requirement, all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.

(6) SMP Section 296-11 also contains requirements associated with Soil Erosion and Sedimentation Control Plans.

(f) General Design Standards.

(1) Curb inlets shall be located at curb tangents on the uphill side of street intersections. Design and location of curb inlets shall be approved by the Township Engineer.

(2) Drainage structures that are located on State Highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Township Planning Commission.

(3) The design of the storm sewerage system shall be in accordance with the Township Standard Construction Documents (latest revision).

(g) Construction Specifications. Township Standard Construction Documents (latest revision) as adopted by the Township will govern. Copies are available at the Municipal Building upon request and payment of cost of reproduction.

(h) The following statements shall be provided on the plans to be recorded:

“Notwithstanding any provisions of the Township Storm Water Management Plan, including exemption and waiver provisions, any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required to manage the rate volume, direction and quality of resulting storm water runoff in a manner which otherwise adequately protects health and property from injury and damage.”

“Municipality review and approval of the drainage plan or the subsequent observation and approval of storm water management facilities, shall not constitute land development on behalf of or by the municipality or otherwise cause the municipality to be engaged in the alteration or development of land. By submitting an application under the Township Storm Water Management Plan, the Developer hereby agrees to indemnify, defend, and hold harmless the municipality and all its representatives, servants, employees, officials and consultants of and from any and all claims demands, causes of action or suits which arise out of or relate to the review, approval, construction or observation of the Developer’s drainage plan and storm water management facilities.”

312-40 SHADE TREES

Except as otherwise provided in Subsection 312-40(c)(4) hereof, within the right-of-way of streets or street tree easements, as applicable, adjacent to or in new subdivisions, the developer shall plant shade trees meeting the specifications found in these regulations. Site locations, land use, topography, natural and historic features shall be considered by the developer and the Township Shade Tree Commission, in selecting and approving species.

(a) Species Of Trees Permitted. Shall be in accordance with the Township Standard Construction Documents (latest revision).

(b) Tree Specifications. Shall be in accordance with the Township Standard Construction Documents (latest revision).

(c) Tree Location

(1) In all subdivisions, trees shall be planted within the street rights-of-way or street tree easements at uniform intervals between thirty (30) and forty (40) feet. The location of shade trees will be subject to the approval of the Landscape and Shade Tree Commission and the Board of Commissioners. If acceptable to the above two Boards, trees may be planted midway between the curb and sidewalk providing the planting strip is a minimum of five (5) feet in width; or between the sidewalk and building line, three (3) feet from the sidewalk. Should the latter location be chosen, additional street right-of-way shall be dedicated to the Township or a street tree easement established in lieu of. The size of the additional right-of-way or street tree easement shall be determined by the Shade Tree Commission.

(2) In order to facilitate planting within street rights-of-way, the developer shall indicate grades on his final subdivision plans and shall grade each street right-of-way according to the Standard Construction Documents (latest edition).

(3) Prior to planting, the developer is to contact the Public Works Department to arrange a physical inspection of the trees to be planted and the marking of the planting locations of the shade trees by a representative of the Public Works Department. The developer shall not plant any shade trees until the approval of the inspecting Public Works Department representative has been obtained.

(4) Should the Board of Commissioners grant a waiver or deferral to the requirement to plant shade trees or should the developer, due to the physical characteristics of the land or the location of public utilities located thereon, be unable to plant every required shade tree as shown on the approved Landscaping Plan, the developer in lieu of planting such trees shall contribute a fee to the Township an amount as established by the Board of Commissioners, from time to time, per tree not so planted

(d) Maintenance. An agreement between the developer and the Board of Commissioners shall be required to provide for the maintenance of all such trees planted.

(1) The term of the Maintenance Agreement shall be twenty-four (24) months from the day the Township Engineer and the Township Manager give the developer the final approval on all required improvements identified in the Subdivision Improvements Agreement. During this term the developer shall:

(A) Replace dead trees, or trees of sufficiently poor health so as to be deemed unacceptable by the Landscape and Shade Tree Commission.

(B) Control insects and diseases.

(C) Repair mechanical injury.

(D) Remove all dead branches.

(E) Within one month prior to the end of the Maintenance Agreement, the shade trees shall be pruned by the developer, in accordance with the South Whitehall Township Shade Tree Policy, unless otherwise directed by the Landscape and Shade Tree Commission.

312-41 OTHER REQUIRED IMPROVEMENTS

(a) The following improvements which have been determined as being important to the safety, convenience and welfare of the Township residents, shall be installed at the expense of the Developer.

(1) Lighting.

(A) Street Lights. The developer shall be responsible for making necessary arrangements with the municipality and the public service company involved for street lights as approved by the Board of Commissioners and shall further be responsible for providing utility easements for lighting standards and fixtures.

(B) Adequate lighting shall be provided for driveways and parking lots of nonresidential subdivisions in accordance with the South Whitehall Township Zoning Ordinance and these regulations.

(2) Noise Absorption. Planting strips and other site improvements provided in order to absorb a reasonable noise from arterial streets and highways, school play lots, commercial or industrial activities, or airport approach paths shall be approved by the Township Planning Commission and the Shade Tree Commission, if applicable.

ARTICLE VII
ADMINISTRATION

312-42 REVISION AND AMENDMENT

The Township Board of Commissioners may from time to time revise, modify, or amend this Ordinance by appropriate action in accordance with applicable law.

(a) Proposals for an amendment to this Ordinance may be initiated by the Board of Commissioners on its own motion, by the Planning Commission, or by any owner of land within the Township, as follows:

(1) Proposals originated by the Board of Commissioners. The Board shall refer every proposed amendment originated by said Board to the Township Planning Commission and the Lehigh Valley Planning Commission. The Township Planning Commission shall have at least thirty (30) days prior to a public hearing scheduled to discuss the amendment to submit to the Board of Commissioners a report containing its recommendations, including any additions or modifications to the original proposal, all as provided for in the MPC.

(2) Proposals originated by the Planning Commission. The Township Planning Commission may, at any time, transmit to the Board of Commissioners any proposal for the amendment or repeal of this Ordinance.

(3) Proposals originated by a Landowner. If a landowner desires to request the Township to amend this Ordinance, it shall do so by submitting the required forms, fees and escrow deposits with the Township as may be established by resolution from time to time. The Board may refer the proposal to the Planning Commission for consideration or may take no action on the request.

312-43 SALE OR LEASING OF LOTS OR SPACE, ERECTING BUILDINGS

No lot in a subdivision may be sold, no space or lot in a subdivision may be leased, nor permit to erect, alter or repair any building upon land in a subdivision may be issued and no building may be erected in a subdivision, unless and until a final subdivision plan has been approved and where required, recorded, and unless and until the improvements required by the Township Board of Commissioners in connection therewith have either been constructed or guaranteed as hereinabove provided. Where, owing to special conditions, a literal enforcement of this provision would result in unnecessary hardship, the Township Board of Commissioners may, in its sole and absolute discretion, modify this requirement following referral to and recommendation of the Planning Commission concerning the scope of such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, leasing of space, issuance of a permit, or erection of a building, subject to conditions necessary to assure installation of adequate streets and other public improvements.

312-44 CONFLICT OF INTEREST

No person who is employed by the Township in any activity affected by these regulations and no person on the staff of any firm, organization or agency representing the Township on any matter which is affected by these regulations shall represent a Developer of a major subdivision within the Township.

312-45 RELATIONSHIP TO OTHER PROVISIONS OF LAW

Where this Ordinance imposes a greater restriction than imposed or required by such other provisions of law, ordinance, resolution, or regulation, or by such easements, covenants or agreements, the provisions of this Ordinance shall control. Wherever the provisions of other law or ordinance or regulations impose a greater restriction than this Ordinance, the provisions of such other law or ordinance or regulations shall control.

312-46 VIOLATIONS AND PENALTIES

(a) Enforcement Remedies. Any person who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the Magisterial District Judge. 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 Magisterial District Judge 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment. Nothing contained in this subsection (a) 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 subsection.

(b) Preventative 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 of this Ordinance, 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 of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(C) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(D) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

312-47 REPEALERS

All other Township ordinances, resolutions and/or other regulations, or any parts of Township ordinances, resolutions and/or other regulations are hereby repealed insofar as they are inconsistent with the provisions of this Ordinance. All other provisions of the ordinances, resolutions and/or other regulations of the Township of South Whitehall, Lehigh County, Pennsylvania shall remain in full force and effect.

312-48 MODIFICATIONS AND WAIVERS

(a) If the literal enforcement of any provision of this Ordinance will exact undue hardship because of peculiar conditions pertaining to applicant's land or the nature of the application (such as, but not limited to, the unique natural, historical, aesthetic or scenic character of the subdivision), the Township may grant a modification or waiver in writing to such applicant provided that such modification or waiver will not be contrary to the public interest and the purpose and intent of this Ordinance is observed.

(b) All requests for modifications or waivers shall be in writing, be signed by the applicant and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts upon which the request is based, the provision or provisions of the ordinance involved, and the minimum modification necessary. Any request for modification or waiver may be referred to the Planning Commission for advisory comments.

(c) In granting modifications or waivers, the Township may impose such conditions as will, in its judgment, substantially secure the objectives of the standards or requirements so modified or waived. In the event that the Township grants waivers for street trees, buffer landscape plantings, or other landscaping/screening required by this Ordinance, the Township may require alternate plantings or plantings at other locations within the development.

(d) The Township shall keep a written record of its actions on all requests for modifications or waivers.

(1) If a modification or waiver is granted, it shall be referenced in the conditions of approval of the plan and shall apply only to the subject application.

(2) A listing of any modifications or waivers granted shall be placed on the final plan prior to recording by the Township.

(e) In the event that an Applicant requests a waiver of the review process provided for by this Ordinance, the following shall be provided as the minimum requirements of any such submission to allow the Township and its consultants the opportunity to fully review the waiver request.

(1) The Applicant shall submit the following:

(A) Plan: Ten (10) clean and legible white paper prints of the site plan which site plan shall include all detail required by Section 312-12(b) [drawing requirements for Preliminary Plan submission].

(B) Application Form: One (1) copy of the "Rezoning, Code Amendment & Waiver Request Application" and two (2) copies of all supporting documents required by such application form. Application forms may be obtained from the Department of Community Development.

(C) Appropriate Fees: An application fee and escrow fund shall be submitted in an amount established by resolution of the Township Board of Commissioners.

(2) If the Township staff and Township Engineer recommend the waiver be granted, and if such waiver is granted by the Board of Commissioners, the following certifications shall be signed by the Applicant, the Applicant's design professional and the Township.

(A) Owner’s Certification. The following Owner’s Certification must be signed by a duly authorized representative of the Owner.

Owner’s Certification

[I/We] being duly sworn according to law depose and say that [I am/we are] the sole owner[s] of this property, in peaceful possession of the same, and that there are no suits pending affecting the title thereof. [I/We] do further depose and say that [I/we] have complied with all requirements, provisions and conditions of Resolution 20__-__ by which the Township Board of Commissioners conditionally waived the requirements of the Township Subdivision and Land Development Ordinance for the project reflected on this plan. [I/We] agree that [I/we] shall exonerate, indemnify, protect, defend and save harmless the Township from any and all claims, lawsuits, damages and liabilities of every kind, character and manner whatsoever pertaining to, relating to, resulting from, caused by or arising out of the Township’s approval of the waiver request as evidenced by Resolution 20__-__, all as more fully outlined in Resolution 20__-__.

Owner:

Name:
Title:

(B) Design Professional’s Certification. The following Design Professional’s Certification must be signed.

Design Professional’s Certification

I, _____, a licensed professional [engineer/land surveyor] of the Commonwealth of Pennsylvania, do hereby certify that the accompanying plan[s] and supporting documentation are true, correct, accurate and are in compliance with all requirements, provisions and conditions of Resolution 20__-__ by which the Township Board of Commissioners conditionally waived the requirements of the Township Subdivision and Land Development Ordinance for the project reflected on this plan.

Design Professional:

(C) Township Acknowledgment. The following Township Acknowledgment must be signed by the Township representative.

Township Acknowledgment

Based upon and expressly in reliance on the foregoing certifications of the Owner and Design Professional, the within plan is accepted by South Whitehall Township as the plan satisfying all requirements, provisions and conditions of Resolution 20__-__.

(D) If such plan is intended to be recorded, the Applicant shall provide for an appropriate signature area for the Lehigh Valley Planning Commission.

(3) Plans accepted for review pursuant to this Section 312-48(e) need not be presented to the Planning Commission for review and recommendation unless Planning Commission input and recommendation is deemed necessary by Township staff or the Township Engineer.

312-49 SPECIAL REQUIREMENTS FOR SUBDIVISION IMPROVEMENTS

Pursuant to recommendations by the Township Engineer, the Township Manager, or the Planning Commission, the Board of Commissioners may require the developer to construct a higher quality pavement structure for subdivision streets, a larger diameter storm sewer, sanitary sewer or water transmission line, a larger capacity central water supply and storage facility, or a larger capacity sewage treatment plant, etc. While this Ordinance contains the minimum standards for the protection of the public welfare, the Township may modify the minimum standards as necessary to serve the public interest of the Township and its citizens.

ARTICLE VIII**MOBILE HOME PARK REGULATIONS****312-50 MOBILE HOME PARKS**

The standards and procedures as prescribed herein shall be applicable to those mobile home parks which are constructed, remodeled, altered or expanded after the effective date of this Ordinance.

312-51 REVIEW AND APPROVAL PROCEDURE

(a) Site Plan: No approval to construct or expand a mobile home park, as required by this Ordinance, shall be granted until such time as a site plan shall be first submitted to, and approved by, the Township pursuant to the terms of this Ordinance as a Major Subdivision. Such site plan shall include all information required for a Major Subdivision.

(b) Permits Required: It shall be unlawful for anyone to construct, remodel, alter, operate or extend any Mobile Home Park within the Township without first obtaining all required permits and approvals therefore.

312-52 DESIGN STANDARDS

(a) All design standards for Mobile Home Parks, including but not limited to tract size, utility requirements, development options, maximum density, Open Space, off-street parking, Lot or Lease Lot sizes, etc., shall be as set forth in Zoning Ordinance Section 350-31(f)(2)(C)(iii).

(b) Water supply and sanitary sewage disposal shall be provided consistent with the regulations of Sections 312-37 and 312-38 of this Ordinance.