

## Chapter 440, SUBDIVISION AND LAND DEVELOPMENT

[HISTORY: Adopted by the Board of Supervisors of the Township of Middletown 11-12-1985 by Ord. No. 85-23 (Ch. 22 of the 1992 Code). Amendments noted where applicable.]

### GENERAL REFERENCES

- Mobile home parks -- See Ch. 312.
- Sewers -- See Ch. 386.
- Solid waste -- See Ch. 418.
- Stormwater management -- See Ch. 430.
- Nonresidential unit tax -- See Ch. 448, Art. V.
- Shade trees -- See Ch. 462.
- Water -- See Ch. 485.
- Zoning -- See Ch. 500.

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## ARTICLE I, Authority

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### § 440-101. Adoption.

- A. The Board of Supervisors of Middletown Township, Commonwealth of Pennsylvania, has adopted, pursuant to the Pennsylvania Municipalities Planning Code, this chapter governing the subdivision and development of land within Middletown Township.
- B. This chapter shall become effective and shall remain in effect until modified, amended or rescinded by the Board of Supervisors.
- C. The existing ordinance, adopted August 9, 1967, and entitled "Middletown Township Subdivision and Land Development Regulations," and all supplements and amendments thereto, are hereby repealed. Provided, however, if the present ordinance is held to be ineffective or invalid by reason of some irregularity in or impediment to its passage, this repealer shall also be ineffective as aforesaid. Then and in that event, the ordinance of 1967 together with its supplements and amendments, would necessarily remain in full force and effect.

### § 440-102. Purpose.

The purpose of this chapter is to regulate and control the division and development of land within Middletown Township, pursuant to the authority set forth in the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq., setting forth the procedures to be followed by the Planning Commission and the Board of Supervisors in order to promote the public health, safety, morals, and general welfare of the community.

**§ 440-103. Intent.**

**[Amended 12-1-1992 by Ord. No. 92-16; 8-16-2000 by Ord. No. 00-09]**

It is the general intent of this chapter to regulate the division and development of land as to:

- A. Regulate the flow of traffic in the streets and highways.
- B. Further the orderly and appropriate use of land.
- C. Secure safety from fire, panic, and other dangers.
- D. Facilitate adequate provision for transportation, water, stormwater management, sewerage, schools, parks, playgrounds, and other public facilities.
- E. Assure sites suitable for building purposes and human habitation, and to provide for the harmonious development of Middletown Township.
- F. Coordinate existing streets with proposed streets, parks or other features of the Township.
- G. Ensure adequate open space for traffic, recreation, light and air.
- H. Provide proper distribution of population.
- I. Give effect to the policies and proposals of the Comprehensive Plan for Middletown Township.
- J. To plan and manage stormwater runoff by regulating subdivisions and land developments in a manner consistent with the Neshaminy Creek Watershed Stormwater Management Plan and other relevant stormwater management.

**§ 440-104. Short title.**

This chapter may be cited as the "Middletown Township Subdivision and Land Development Ordinance."

**§ 440-105. Scope.**

From and after the effective date of this chapter, any subdivision or land development filed thereafter shall be in conformity with this chapter and all standards and specifications adopted as part of this chapter.

**§ 440-106. Interpretation.**

- A. The provisions of this chapter shall be held to be the minimum requirements to meet the above-stated purpose and intent. When provisions, standards and specifications of this chapter impose greater restrictions than those of any state statute, other ordinance or regulation, this chapter shall be controlling unless specified to the contrary.
- B. This chapter does not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or explicitly repealed by this chapter, or any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto.
- C. Provisions in the Middletown Township Zoning Ordinance (Chapter 500) providing for varying design standards shall not be considered to be in conflict with the provisions of this chapter.

**§ 440-107. Severability.**

It is hereby declared to be the legislative intent that:

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

**§ 440-108. Jurisdiction.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Subdivision and development control.

- (1) It shall be unlawful for the owner of any land in the Township, or any other person, firm or corporation, to subdivide any lot, tract or parcel of land, or layout, construct, open or dedicate for public use or travel any street, sanitary sewer, storm sewer, drainage facilities, or other facilities in connection therewith, or for the common use of occupants of buildings within the subdivision or land development, unless and until final plans of such subdivision or development shall:
  - (a) Have been prepared by a registered professional engineer or registered land surveyor;
  - (b) Signed by the record owners of the land, and said signature notarized; and
  - (c) Submitted to and approved in writing thereon by the Township Board of Supervisors and recorded in the Bucks County Recorder of Deeds Office in Doylestown, Pennsylvania.
- (2) Before the approval of a plat by the Township, a copy shall be transmitted to the Bucks County Planning Commission, and that Commission shall make a report thereon to the Board of Supervisors. Pending the receipt and consideration of such report, the Township shall defer action thereon, but if such report is not received by the Township within thirty (30) days from the submission, or within such further time as may be agreed upon by the Township, the Township may proceed to action thereon.

**B. Sale of lots; issuance of building permits for erection of buildings.**

- (1) No lot or condominium unit in a subdivision may be sold and no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued unless and until a plan has received final approval and until the municipal improvements required by the Board of Supervisors in connection therewith have either been constructed or guaranteed as hereinafter provided.
- (2) No building in a subdivision or land development depending on ingress and egress upon the improvement of any street or streets, herein provided for, shall be permitted to be occupied before improvements are fully completed from a now existing paved street to and across the front of the lot on which the building is located and/or to a sufficient depth along the side of the lot to service any driveway, driveways or parking spaces.
- (3) No building depending upon public water and sewer facilities shall be permitted to be occupied before such facilities are fully provided and operational.

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## **ARTICLE II, Definitions**

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### **§ 440-201. General interpretation.**

#### **[Amended 12-1-1992 by Ord. No. 92-16]**

A. Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this chapter the meanings in the following clauses.

- (1) For the purpose of this chapter, words and terms used herein shall be interpreted as follows:
  - (a) Words used in the present tense include the future.
  - (b) The singular includes the plural.
  - (c) The word "person" includes a corporation, partnership, and association or other legal entity, as well as the individual.
  - (d) The word "lot" includes the words "plot" or "parcel."
  - (e) The word "Commission" and the words "Planning Commission" always mean the Middletown Township Planning Commission.
  - (f) The word "Supervisors" and the words "Board of Supervisors" always mean the Middletown Township Board of Supervisors.
  - (g) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be occupied."
  - (h) The words "shall" and "will" are mandatory. The word "may" is permissive.

B. Any word or term not defined herein shall be used with a meaning of standard usage.

### **§ 440-202. Specific terms defined.**

#### **[Amended 3-19-1991 by Ord. No. 91-15; 12-1-1992 by Ord. No. 92-13; 12-1-1992 by Ord. No. 92-16; 8-16-2000 by Ord. No. 00-09]**

Unless a contrary intention clearly appears, the following words and phrases shall have for the purpose of this chapter the meanings in the following clauses:

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

**APPLICANT** -- Any person, landowner or developer who has filed an application with the Board of Supervisors for a subdivision or land development for the purpose of obtaining approval thereof.

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

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

**AUTHORITY** -- A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipality Authorities Act of 1945."<sup>iii</sup>EN

**BUFFER** -- A strip of land established to protect adjacent land uses. Buffer yards are intended to visually soften the outline of buildings, to screen glare and noise and to create a visual barrier between adjacent land uses.

**BUILDING** -- A structure, either temporary or permanent, having a roof which is intended to be used for shelter or enclosure of persons, animals or property. The word "building" shall include any part thereof.

- A. **ACCESSORY BUILDING** -- A subordinate building located on the same lot as a principal building and clearly incidental to the principal building. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.
- B. **PRINCIPAL BUILDING** -- A building in which is conducted, or is intended to be conducted, the principal use of the lot on which it is located.

**BUILDING SETBACK LINE** -- The line parallel to the street line at a distance therefrom equal to the depth of the minimum front yard required for the district in which the lot is located.

**CARTWAY** -- The hard or paved surface portion of any street right-of-way, or that portion of a street right-of-way customarily used by vehicles in the regular course of travel over the street.

**CUL-DE-SAC** -- A secondary street with one (1) end open for vehicular and pedestrian access and the end terminating in a vehicular turnaround. The minimum length for a cul-de-sac shall be two hundred fifty feet (250'). The minimum outside turning radius for a cul-de-sac shall be forty (40) feet.

**DENSITY** -- A measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. The measure is arrived at by dividing the number of dwelling units by the base site area.

**DESIGN STANDARDS** -- Regulations adopted pursuant to this chapter imposing standards by which a subdivision or land development is developed.

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

**DEVELOPMENT PLAN** -- The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this chapter shall mean the written and graphic materials referred to in this definition.

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

**DWELLING UNIT** -- Any room or group of rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by one family.

**EASEMENT** -- A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

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

#### **ENGINEERING CONSIDERATIONS**

- A. All engineering responsibilities as herein defined shall be those of the Engineer(s) for the Township. The Engineer(s) will review the plan and any accompanying material for the proposed subdivision or land development and make his findings known in a report to Middletown Township Planning Commission and the Board of Supervisors. The report will be considered by the Planning Commission when reviewing the proposal.
- B. The Engineers' responsibility in the review of subdivision and land development proposals, shall include, but not be limited to the following engineering considerations. The Engineer(s) shall make recommendations concerning approval or disapproval of the application based upon these considerations as they are reflected in the plans submitted.

- (1) Dimensions and areas of lots and/or parcels.
- (2) Existing and proposed contours in relation to the proposed use and that of adjacent properties.
- (3) Soil conditions; proposed erosion controls.
- (4) Surface and subsurface drainage conditions and proposed stormwater management plan.
- (5) Lighting plans.
- (6) Utility plan, easement requirements.
- (7) Road specifications, widths, cross sections, alignment, profiles and intersections.
- (8) Location and design of entrance and existing accessways.
- (9) Sewage disposal system, sewage collection system and sewage transmission system.
- (10) Conformance to Middletown Township Zoning Ordinance (Chapter 500).
- (11) Acceptability of materials and construction indicated in final plans and specifications.
- (12) Anticipated traffic generated by the proposal.
- (13) Water supply and distribution systems.

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

**FLOODPLAIN** -- Areas adjoining streams, ponds or lakes subject to the one hundred (100) year recurrence-interval flood. The areas considered to the floodplain within Middletown Township shall include those areas identified as being subject to the one hundred (100) year flood in the Flood Insurance Study for Middletown Township prepared by the Federal Insurance Administration, dated June 1979, and the accompanying Flood Boundary and Floodway Map dated December 4, 1979.

- A. **FLOODWAY** -- That portion of the floodplain including the watercourse channel and adjacent land areas which must be reserved to carry the one hundred (100) year recurrent-interval flood without cumulatively increasing that flood elevation more than one (1) foot.
- B. **FLOOD FRINGE** -- That portion of the floodplain which is outside the floodway.



- C. APPROXIMATE ONE HUNDRED (100) YEAR FLOODPLAIN -- That portion of the floodplain for which no detailed flood profiles or one hundred (100) year elevations have been provided.

FLOODPLAIN SOILS -- Areas subject to periodic flooding and listed in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, U.S. Department of Agriculture, Natural Resources Conservation Service, July 1975 (or latest revised), as "soils subject to periodic flooding." Such soils include the following:

- A. Alluvial land (Ae).
- B. Alton gravelly loam, flooded (AIA).
- C. Bowmansville silt loam (Bo).
- D. Hatboro silt loam (Ha).
- E. Marsh (Mh).
- F. Pope loam (PaA).
- G. Rowland silt loam (Ro).

IMPERVIOUS SURFACES -- Surfaces which do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, swimming pools, lakes, ponds, gravel-covered areas and any areas in concrete and asphalt, including porous asphalt paving, shall be considered impervious surfaces within this definition. In addition, paved areas and other areas determined by the Township Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

IMPERVIOUS SURFACE RATIO -- The impervious surface ratio is a measure of the intensity of use of a piece of land. It is measured by dividing the total area of all impervious surfaces within the site by the base site area.

IMPROVED PUBLIC STREET -- Any street for which the Township, county or commonwealth has maintenance responsibility and which has an approved surface.

IMPROVEMENTS -- Those physical additional installations and changes, such as streets, curbs, sidewalks, water mains, sewers, drainage facilities, public utilities and other appropriate items, required to render land suitable for the use proposed.

LAKES AND PONDS -- Natural or artificial bodies of water which retain water year round. Artificial ponds may be created by dams or result from excavation. Lakes are bodies of water two or more acres in extent. Ponds are any water bodies less than two (2) acres in extent.

**LAKE AND POND SHORELINES** -- The landside edges of lakes and ponds from established shoreline to an upland boundary. Lake and pond shorelines shall be measured one hundred feet (100') from the spillway crest elevation.

**LAND DEVELOPMENT** -- Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. The following shall not be considered a land development:
  - (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - (2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
  - (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this exemption, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the municipality.

**LANDOWNER** -- The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

**LOT** -- A parcel of land used or set aside and available for use as the site of one (1) or more buildings and buildings accessory thereto for any other purpose, in one (1) ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way upon which said lot abuts, even if fee to such way is in the owner of the lot. A "lot" for the purpose of this chapter may or may not coincide with a lot on record.

**LOT AREA** -- The area contained within the property lines of the individual parcels of land as shown on a subdivision, excluding any area within an existing or designated future street right-of-way, or any area of required open space or the area of any easements and including the area of any easements.

**LOT, CORNER** -- A lot which has an interior angle of less than one hundred thirty five degrees (135°) at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at the points beginning with the lot or at the points of intersection of the side lot lines with the street right-of-way lines intersect at an interior angle of less than one hundred thirty five degrees (135°).

**LOT LINE** -- Any boundary line of a lot.

**MANAGER** -- The Manager is the Township Manager appointed as such by the Township Board of Supervisors.

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

**MOBILE HOME** -- A transportable, single-family dwelling intended for permanent occupancy, office or space of assembly contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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.

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

**MOBILE HOME PAD** -- That part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

**MOBILE HOME PARK** -- A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**MONUMENT** -- A stone or concrete monument with a flat top at least four (4) inches square, containing a reference point, and at least twenty four inches (24') in length. It is recommended that the bottom sides be at least two (2) inches greater than the top, to minimize movement caused by frost.

**OPEN SPACE** -- Land which shall be kept open in perpetuity and shall be restricted from future development. Open space shall be permanent and inviolate. To qualify as open space, such land shall be used only for open space uses: recreation, amenity, buffer, or resource protection. Open space shall not include land occupied by nonrecreational buildings or structures, roads or road rights-of-way, easements, parking lots, land reserved for future parking lots, stormwater detention basins or retention basins, or the yards or lots of dwelling units.

**OPEN SPACE RATIO** -- The open space ratio is a measure of intensity of land use. It is arrived at by dividing the total amount of open space within the site by the base site area.

**PARKING SPACE** -- An area on a lot used for parking a vehicle, to which there is access from a street.

**PLAN, FINAL** -- A complete and exact subdivision or land development plan, including all required supplementary data, prepared for official recording as required by statute, to define property rights, proposed streets and other improvements.

**PLAN, PRELIMINARY** -- A formal subdivision or land development plan (and including all required supplementary data), showing the existing features of the tract and its proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

**PLAN, RECORD** -- An exact copy of the final plan which bears the signed and dated approval of all necessary signatures.

**PLAN, SKETCH** -- An informal plan, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development. This plan is not a formal submission under the regulations of the Pennsylvania Municipalities Planning Code.

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

**PUBLIC GROUNDS** -- Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** -- A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

**PUBLIC MEETING** -- A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S. § 271 et seq.<sup>liiiEN</sup>

**PUBLIC NOTICE** -- Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**RESIDENTIAL PERFORMANCE STANDARD SUBDIVISION** -- A performance standard shall be considered a subdivision or land development for the purpose of the procedural sections of this chapter. It is a subdivision or land development for which the developer chooses to use the performance standards set forth in the Township of Middletown Zoning Ordinance (Chapter 500).

**RIGHT-OF-WAY** -- Land set aside for use as a street, alley or other means of travel.

- A. **EXISTING RIGHT-OF-WAY** -- The legal right-of-way as established by the commonwealth or other appropriate governing authority and currently in existence.
- B. **FUTURE RIGHT-OF-WAY** -- The right-of-way deemed necessary to provide adequate width for future street improvements.

**RUNOFF** -- The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

**SEDIMENTATION** -- The process by which mineral or organic matter is accumulated or deposited by wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

#### **SEWER**

- A. **PUBLIC SEWER** -- Any municipally or privately owned sewer system in which sewage is collected from buildings from more than one (1) lot and/or dwelling unit and piped to an approved sewage disposal plant. It may also be referred to as "off-lot" or "off-site" sewer. This shall include capped sewers.
- B. **PRIVATE SEWER** -- An on-lot approved disposal system generally providing for disposal of effluent for only one (1) building or a group of buildings on a single lot.

**SIGHT DISTANCE** -- The length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

**SITE** -- A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one or more lots.

**SITE AREA** -- All land area within the site as defined in the deed. This area shall be determined from an actual site survey rather than from a deed description.

**SITE AREA, BASE** -- The area of the site remaining after subtracting land which is not contiguous, land previously subdivided, and road and utility rights-of-way from the site area.

**SITE AREA, BUILDABLE** -- The area of the site which may be altered, disturbed or regraded for development purposes. The buildable site area could contain buildings, roads, parking areas, sewage systems and stormwater management facilities. The buildable site area would not contain required open space, recreation areas and natural resource protection areas.

#### **SOLAR ENERGY**

- A. **SOLAR ENERGY** -- Radiant energy (direct, diffuse or reflected) received from the sun at wavelengths suitable for conversion into thermal, chemical or electrical energy.
- B. **SOLAR ENERGY COLLECTOR** -- Any device, structure or part of a device or structure which is used primarily to transform solar energy into thermal, chemical or electrical energy. It includes any space or structural component specifically designed to retain heat derived from solar energy.
- C. **SOLAR ENERGY SYSTEM** -- A complete design or assembly consisting of a solar energy collector, an energy storage facility (where appropriate) and components for the distribution of transformed energy to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems are included in this definition but not to the extent that they fulfill structural or other functions.
- D. **ACTIVE SOLAR ENERGY SYSTEM** -- A solar system that requires external mechanical power (fans or pumps) to move a conductive medium (water, antifreeze or freon) to the interior of a building for heating or cooling.
- E. **PASSIVE SOLAR SYSTEM** -- A solar energy system that uses natural properties of materials and architectural components to collect and store solar energy. In some cases, external mechanical power (fan) may be required to move the collected heat.

**STEEP SLOPES** -- Areas where the average slope exceeds eight percent (8%) which, because of this slope, are subject to high rates of stormwater runoff and therefore, erosion and flooding.

**STORMWATER MANAGEMENT PLAN** -- The plan for managing stormwater runoff adopted by Bucks County for the Neshaminy Creek Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167) and known as the "Stormwater Management Act." (See § 440-406 of this chapter for the stormwater management provisions.)

## **STREET**

- A. A public or private way used or intended to be used for passage or travel by automotive vehicles and pedestrians and to provide access to abutting properties.
- B. Streets are further defined and classified as follows:
  - (1) Thoroughfares.
    - (a) Expressways. Designed for large volumes and high speed traffic with access limited to grade-separated intersections.
    - (b) Arterial street. Designed for moderate volumes of through traffic with controlled access to abutting properties.
    - (c) Collector street. Designed to carry a moderate to heavy volume of residential traffic, to carry traffic to and from intercepting primary and secondary streets to arterial streets with access to abutting properties frequently controlled.
  - (2) Local streets.
    - (a) Primary street. Designed to carry a moderate volume of traffic, to intercept secondary streets, to provide routes to collector streets and community facilities, and to provide access to the abutting properties.
    - (b) Secondary street. Designed to provide access to the abutting properties and a route to primary streets.
    - (c) Rural streets. Designed to serve farms and homes in the rural areas of the Township and distribute traffic from these areas to the collector, arterial and expressway system.
    - (d) Marginal access street. Designed as a street parallel and adjacent to a collector or higher level street which provides access to abutting properties and separation from through traffic.
    - (e) Alley. A minor way which provides a secondary means of access to lots and is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

- (f) Driveway. Generally a private street for the use of vehicles and pedestrians, providing access between a public street and a parking area within a lot or property.

**STREET LINE** -- The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line, provided that the street right-of-way shall not be less than required in § 440-410 of this chapter and, where a future right-of-way width for a street has been officially established, the street right-of-way line shall be the side line of the future right-of-way so established.

**STRUCTURE** -- Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

### SUBDIVISION

- A. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwellings, shall be exempted.
- B. The term "subdivision" includes condominium conversion and resubdivision; when appropriate to the context, the aforesaid term shall relate to the process of subdividing or to the land subdivided.
- (1) **SUBDIVISION, MAJOR** -- Any subdivision not classified as a minor subdivision, or lot line change.
- (2) **SUBDIVISION, MINOR** -- The division of a single lot, tract or parcel of land into two (2) lots, tracts or parcels of land for the purpose of building development, providing the proposed lots, tracts or parcels of land thereby created have frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets, the need for required improvement, or the need for an easement of access.
- (3) **LOT LINE CHANGE** -- Any division of land for the adjustment or relocation of one (1) existing boundary line between two (2) adjacent lots or the shifting of boundary line to increase the area of an existing lot; provided, however, that the lot line change results in the same number or fewer lots as existed prior to the lot line change and provided that the area of each of the lots involved does not increase or decrease by more than twenty percent (20%) of the original lot area.



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

**SURVEYOR** -- A professional land surveyor registered by the Commonwealth of Pennsylvania.

**USE** -- Any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

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

**WATERCOURSE** -- Any natural or artificial stream, river, creek, ditch, channel, canal, waterway, gully or ravine in which water flows in a definite direction or course, either continuously or intermittently, and has a defined bed and banks.

**WATER SUPPLY** -- Any waterworks, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

- A. **ON-LOT WATER SUPPLY** -- A system for supplying and distributing water to a single dwelling or building from a source located on the same lot.
- B. **PUBLIC WATER SUPPLY** -- A single source of water serving more than one (1) user unit (residence, business, church, etc.).

**WATER SURVEY** -- An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Township.

**WETLANDS** -- Those areas that are inundated and saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

**WETLANDS MARGIN** -- The transitional area extending from the outer limit of the wetland.

**WIND ENERGY CONVERSION SYSTEM (WECS)** -- A device which converts wind energy to mechanical or electrical energy.

**WOODLANDS** -- One-quarter ( $\frac{1}{4}$ ) acre or more of wooded land where the largest trees measure at least six (6) inches in diameter at breast height (dbh) or four and one-half (4.5) feet from the ground. The woodland shall be measured from the dripline of the outer trees. Woodlands are also a grove of trees forming one canopy where ten (10) or more trees measure at least ten inches (10") diameter at breast height (dbh).

**YARD** -- An open space unobstructed from the ground up except for permitted projections and plantings, on the same lot with a structure, extending along a lot line or street line and inward to the structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

- A. **YARD, FRONT** -- A yard between a structure and a street line and extending the entire length of the street line. In the case of a lot that fronts on more than one (1) street, the yards extending along all streets are front yards.
- B. **YARD, REAR** -- A yard between a structure and a rear lot line and extending the entire length of the rear lot line.
- C. **YARD, SIDE** -- A yard between a structure and a side lot line, extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

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**ARTICLE III, Procedures**

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**§ 440-301. General.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

The procedures set forth in this article shall be followed by all applicants.

- A. The separate stages of approval normally require the submission of preliminary plans and final plans. These plans differ in their purpose and required level of detail. The tables below indicate the required plans for the different types of submissions.

<b>Plan</b>	<b>Lot Line Change</b>	<b>Minor Subdivision</b>	<b>Major Subdivision</b>	<b>Land Development</b>
<b>Sketch</b>	Recommended	Recommended	Recommended	Recommended
<b>Preliminary</b>	Not required	Not required	Required	Required
<b>Final</b>	Required	Required	Required	Required

- B. All plans and applications shall be submitted to the Township Manager. Plans and applications shall not be deemed submitted until they are accepted by the Township Manager as being in proper form and accompanied by the proper filing fee and any escrow deposit for the cost of the review. Plans and applications shall not be deemed complete and acceptable for filing if any item enumerated in this Article as required for such submission is omitted or if the required fee is not submitted with the application. If the submission is incomplete, the Township Manager shall notify the applicant within seven (7) days of receipt of the application, indicating the deficiencies. A fee shall be required for processing and reviewing any preliminary or final plans. The fee shall be paid by the applicant at the time of filing such plans. The fee and escrow schedule for all plans submitted under this chapter shall be adopted by resolution of the Township Board of Supervisors and may be amended from time to time. Escrow deposits shall be submitted for legal, engineering and administrative costs as required by § 440-603. The Township shall have the sole responsibility to forward the plans to other reviewing agencies. Plans are not to be delivered to any reviewing agency by the owner, developer or his agent.
- C. The Township shall render its decision-within the ninety (90) day period established by the Municipalities Planning Code. The decision shall be communicated to the applicant not later than fifteen (15) days following the decision and within ninety (90) days following the date of the regular meeting of the Planning Commission following the date the application is complete and

- accepted for filing, provided that, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30<sup>th</sup>) day following the day the application is complete and accepted for filing. Said decision shall be sent to the applicant by mail at the address provided by the applicant on the application form.
- D. When a plan, other than a sketch plan, is rejected, the written communication to the applicant shall cite the provisions of the Zoning Ordinance (Chapter 500), this chapter and the statute with which there has been noncompliance.
- E. The presentation of a preliminary plan and final plan shall each be a separate submission. The maximum review period authorized by the Municipalities Planning Code may be required for the preliminary plan and final plan.
- F. The submission of a revised preliminary or final plan shall constitute a new and separate submission. A revised plan must be accompanied by a complete application form, all required information and fees. With a revised plan, the applicant must submit a written withdrawal of the previously submitted plan. In the absence of a written withdrawal of the previously submitted plan, the previously submitted plan shall be deemed withdrawn when the revised plan is submitted.
- G. The owner of the parcel of land to be subdivided or developed shall submit a written statement granting the Board of Supervisors, its authorized agents and representatives, the Planning Commission, and the representatives of the county and Township departments and agencies having responsibility for review and/or approval under this chapter the right to enter the parcel of land for the purpose of inspection and enforcement of the requirements, terms and conditions imposed herein.
- H. Preliminary approval of the site plan must be obtained for the entire proposed development. Final approval may be obtained section by section, but such development sections shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be re-filed and reviewed and approved. Approved plans, however, shall be subject to changes in the Township ordinances in accordance with the provisions of the Pennsylvania Municipalities Planning Code.<sup>livEN</sup>
- I. All subdivisions and land developments (both minor and major) shall be required to submit the appropriate planning module for land development to Middletown Township at preliminary plan submission (final plan submission for minor residential subdivisions) for review. The Township will submit these modules to the Bucks County Department of Health, Bucks County Planning Commission, and DEP for review to determine the adequacy of the proposed sewage facilities

for development. Approval of the appropriate sewage facility permitting agency (Bucks County Department of Health and/or DEP) must be received by the Township prior to preliminary (final for minor residential subdivisions) plan approval. The applicant is required to follow the policies, procedures and guidelines promulgated under the Township's official Act 537 sewage facilities plan (latest revised).

**§ 440-302. Sketch plan.**

**[Amended 12-1-1992 by Ord. No. 92-13; 12-1-1992 by Ord. No. 92-16]**

- A. General. Although it is not a prerequisite for approval of a final plan, an applicant may and is encouraged to submit a sketch plan as the basis for informal discussion. During the sketch plan procedure, the applicant can advantageously make use of the services of the Planning Commission and the Board of Supervisors to help him analyze the problems of the development and plan more adequately for its sound coordination with the community. This sketch plan procedure also affords the Planning Commission and the Board of Supervisors the opportunity to give informal guidance to the applicant at a stage when potential points of difference can be more easily resolved. It can also simplify official actions and save unnecessary expense and delay. A sketch plan is not mandatory and is not an official plan under the Pennsylvania Municipalities Planning Code. Time limitations of the Planning Code shall not apply, and failure to submit recommendations to the applicant within the time restraints of the Planning Code shall not be considered deemed approval of the plan.
- B. Purpose.
- (1) The purpose of the sketch plan is to afford the applicant the opportunity to consult early and informally with both the Middletown Township and the Bucks County Planning Commissions and the Township Board of Supervisors before preparation of the preliminary plan and formal application for approval.
  - (2) Sketch plan procedure should be more detailed for residential performance standard subdivisions than for regular subdivisions. This is to enable the Township to analyze adequately the proposed plan.
- C. Procedure.
- (1) Applicant prepares sketch plan and application.
  - (2) Applicant submits nine (9) copies of the sketch plan, any required information and an application to the Township Manager.

- (3) Township Manager shall immediately distribute copies of the sketch plan and application to:
    - (a) Township Board of Supervisors: five (5) copies.
    - (b) Township Planning Commission: two (2) copies.
    - (c) Bucks County Planning Commission: one (1) copy.
    - (d) One (1) copy shall be retained for the Township files.
  - (4) The Township Planning Commission shall initially review the sketch plan submission and advise the applicant how the proposed subdivision or land development may conform or fail to conform with the requirements and objectives of this chapter and other applicable ordinances. The applicant may attend a meeting of the Planning Commission to discuss the proposal. The Planning Commission may communicate its comments and recommendations to the applicant by mail at the address provided on the application by the applicant. Similarly, the Board of Supervisors may conduct a review and discuss the plan with the applicant if requested. The review of a sketch plan is advisory only and the opinions expressed by the members of the Planning Commission and/or Board of Supervisors expressed during sketch plan review are not binding.
- D. Recommended plan information. The applicant may submit whatever information is deemed useful; however, to facilitate the fullest possible response from the Planning Commission, each set of plans shall be folded to a size which can be accommodated in a legal eight-and-one-half-inch by fourteen-inch file folder. The applicant is encouraged to submit the following items:
- (1) Name of the subdivision or land development.
  - (2) Name and address of the owner and the applicant.
  - (3) Name and address of the engineer, surveyor or architect.
  - (4) Zoning district requirements, including parking requirements for land developments.
  - (5) Tract boundaries.
  - (6) North point, date and scale (written and graphic).
  - (7) Location map.
  - (8) Streets on and adjacent to the tract.
  - (9) Significant topographical and physical features.

- (10) Proposed general street layout.
- (11) Proposed general lot layout or building layout with park lots and open spaces indicated. A sketch stormwater management plan showing general features and locations of any proposed stormwater management facilities/techniques.
- (12) Contours based on USGS topography or site survey.
- (13) Tax parcel number(s) of the tract. Additional material suggested for residential performance standard subdivisions and apartment projects.
- (14) Site plan showing soil conditions, drainageways, vegetative cover and slopes.
- (15) Indicate size and placement of buildings, number of units, length and width of sidewalks and drives.
- (16) Detailed plan indicating adjacent properties, types of land use, and natural features, including forested areas, floodplains, drainage swales, etc.
- (17) Method for administration and maintenance of open space area.

**§ 440-303. Preliminary plan, major subdivision or land development.**

**[Amended 12-1-1992 by Ord. No. 92-13; 12-1-1992 by Ord. No. 92-16; 3-1-1994 by Ord. No. 94-02; 8-16-2000 by Ord. No. 00-09]**

- A. General. Preliminary plans are required for all major subdivisions or land developments in accordance with the procedures, plan requirements, and design standards set forth in this chapter. The preliminary plan and all information and procedures related thereto shall in all respects be in compliance with the provisions of these regulations, except where variation therefrom may be specifically authorized in writing by the Board of Supervisors.
- B. Purpose. The purpose of the preliminary plan is to require formal preliminary approval in order to minimize changes and revisions before final plans are submitted.
- C. Procedure.
  - (1) Applicant prepares preliminary plan and application.
  - (2) Applicant submits to the Township Manager the preliminary plan and application-in two (2) forms, as follows: one (1) copy in an electronic medium acceptable to the Township Engineer and such paper copies as determined by the Township and pursuant to its then-current schedule for submission of subdivision and land development plans.

- (3) Copies of the preliminary plan and all required supplemental data (including permits and review letters from all county, state and federal agencies) initially shall be submitted to the Township Manager, together with the required fees and escrow deposit established in accordance with the current fee schedule adopted by resolution by the Board of Supervisors. The Township Manager shall note the date of receipt of the application, fees and escrow deposit. The application shall not be deemed to be submitted until a complete application, including a traffic impact study if required, and the required fees and the required escrow deposit all have been submitted.
- (4) Upon submission of a complete application, together with all required fees and escrow deposits, the Township Manager shall accept the application, plans and other required materials as filed and shall immediately distribute copies of the preliminary plan and application to:
  - (a) Township Board of Supervisors: five (5) copies.
  - (b) Township Planning Commission: two (2) copies.
  - (c) Bucks County Planning Commission: two (2) copies.
  - (d) Township Engineer: one (1) copy.
  - (e) Municipal Authority: one (1) copy (if needed).
  - (f) Fire Marshal: one (1) copy.
  - (g) Police Department: one (1) copy.
  - (h) Public Works: one (1) copy.
  - (i) Sewer and Water Department: one copy.
  - (j) Sewer and Water Engineer: one (1) copy.
  - (k) Township Solicitor: one (1) copy.
  - (l) Township files: two (2) copies.
  - (m) Township Park and Recreation Board: If recreational improvements or open space areas are involved, an extra copy shall be required and submitted.
  - (n) Pennsylvania Department of Transportation: If state roads are involved, an extra copy shall be required and submitted.
  - (o) Historic Preservation Commission: one (1) copy.



- (5) Following receipt of the complete submission to the Township Manager, the Township Engineer:
  - (a) Reviews the applicant's submission for engineering and zoning considerations; and
  - (b) Prepares a report for the Planning Commission and Board of Supervisors.
- (6) Following receipt of the complete submission to the Township Manager, the Middletown Township Planning Commission:
  - (a) Receives and reviews the applicant's submission and the reports submitted from all applicable reviewing agencies;
  - (b) Discusses submission with the applicant, if requested by the applicant;
  - (c) Evaluates applicant's submission, presentation, discussion with applicant and reviewing agencies' reports;
  - (d) Determines whether the preliminary plan meets the objectives and requirements of this chapter and other ordinances; and
  - (e) Prepares a written report recommending approval or disapproval of the preliminary plan for use by the Board of Supervisors.
- (7) Guidelines for submission of plans to the Board of Supervisors.
  - (a) Prior to submitting plans to the Board of Supervisors, the applicant shall make all revisions to the plan based on the review and discussion of the Planning Commission. The submission of the revised plan shall constitute a new and separate submission and will be regulated under the requirements of § 440-301(F). The applicant shall submit all revised plans to the Planning Commission, and the Planning Commission shall review all revised plans prior to submission to the Board of Supervisors.
  - (b) The Planning Commission may submit a report to the Board of Supervisors which recommends that the application be approved with conditions. The Planning Commission shall recommend denial of plans which would not comply with the Township's ordinances.
  - (c) When an applicant requests a modification by the Board of Supervisors of a requirement of this chapter, the applicant shall submit such request, in writing, to the Planning Commission for review and comment. The applicant shall also indicate the reason or purpose for

the request. In the Planning Commission's report to the Board of Supervisors on the subdivision or land development plan, the Planning Commission shall provide a recommendation for approval or denial of each requested modification and the rationale for each recommendation.

- (8) Following receipt of the Township Planning Commission's report and within 90 days following the receipt of the applicant's complete submission, as indicated in § 440-301(C), the Board of Supervisors shall:
  - (a) Review and evaluate applicant's submission.
  - (b) Review and evaluate all reports received from applicable reviewing agencies.
  - (c) Listen to applicant's presentation, if requested, and discuss the project with applicant, if requested.
  - (d) Determine whether the preliminary plan meets the objectives and requirements of this chapter and other ordinances.
  - (e) Communicate the decision, in writing, to the applicant no later than fifteen (15) days following the decision and within the ninety (90) day review period established as indicated in § 440-301(C).
- (9) Approval of the preliminary plan shall not constitute approval of the final plan or authorize the sale of lots or construction of buildings.
- (10) Whenever the approval of a preliminary plan is subject to conditions, the written action of the Board as prescribed herein shall:
  - (a) Specify each condition of approval, citing relevant ordinance provisions in each case; and
  - (b) Require the applicant's written agreement to the conditions. Where the applicant's written concurrency is not received within the time allotted, the Board shall be deemed to have denied approval.
- (11) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.
- (12) If disapproved, the Board of Supervisors shall state the reasons for the action, citing specific sections in the applicable ordinances which the plan failed to meet. The applicant may file a revised preliminary plan with the Township Manager.

D. Required plan information. The preliminary plan shall show or be accompanied by the following information:

(1) Drafting standards.

- (a) Plans shall be drawn on sheets no larger than thirty six inches (36") by forty eight inches (48'). All sheets comprising a submission shall be on one (1) size. Sheets should be large enough to clearly show all required features but at a scale not less than one inch (1") equals one hundred feet (100').
- (b) Each set of plans shall be folded to a size which can be accommodated in a legal (8½ inches by 14 inches) file folder.
- (c) The submission shall include a copy of the site plan for the entire property on a single sheet at an appropriate scale that will fit the maximum sheet size submitted.
- (d) Dimensions shall be in feet and decimal parts thereof, and bearings in degrees, minutes and seconds.
- (e) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
- (f) Where any revision is made, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
- (g) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.

(2) General information.

- (a) Name of the subdivision or land development.
- (b) Name and address of the record and/or equitable owner.
- (c) Name and address of the engineer, surveyor or architect responsible for the plan.
- (d) Present zoning classification with district requirements.
- (e) Total acreage of the tract.
- (f) Date, North point, and scale (written and graphic).

- (g) A location map for the purpose of locating the site to be subdivided or developed at a scale of not less than eight hundred (800) feet to the inch showing the relation of the tract to adjoining property and to all streets, roads and Township boundaries existing within one thousand feet (1,000') of any part of the property proposed to be subdivided or developed.
- (h) Tax parcel number(s) of the tract.
- (i) Written report, including the following information:
  - [1] General description of project.
  - [2] General description of proposed stormwater management controls and facilities both during and after development.
  - [3] General description of erosion and sedimentation controls, including those contained in any required erosion and sedimentation control plan.
  - [4] Expected project time schedule, including anticipated start and completion dates.
- (3) Existing features.
  - (a) Complete outline survey of the property to be subdivided or developed, showing all courses, distances and areas, and tie-ins to all adjacent street intersections with existing monuments indicated.
  - (b) The names of owners, tax parcel numbers and zoning classification of land immediately adjacent or across from the subject tract.
  - (c) Site boundaries with the layout and dimension of lots.
    - [1] In the case of mobile home parks, the placement, location and number of mobile home lots and mobile home pads on a layout map of the parcel.
    - [2] The arrangement of buildings and parking areas in commercial, multifamily and mobile home parks developments with all necessary dimensions noted on the plan.
  - (d) All existing highways, streets and roads on or adjacent to any part of the tract, including name, right-of-way width (existing and future) and cartway width, are required to be shown on the plan. An aerial photograph must be submitted showing these features within two hundred feet (200') of the tract. If requested, the Township Engineer

may require these features to be shown on the plan within two hundred feet (200') of the tract in addition to the aerial photograph. [Amended 5-29-2007 by Ord. No. 07-07]

- (e) All existing buildings and their uses, bodies of water (including streams, lakes and ponds), wetlands and marsh areas, sewers, culverts, petroleum or petroleum product lines, gas lines, electric and telephone lines, fire hydrants, all other utilities and other significant man-made features on or immediately adjacent to the tract must be shown on the plan. If requested, the Township Engineer may require these features to be shown on the plan within two hundred feet (200') of the tract. [Amended 5-29-2007 by Ord. No. 07-07]
- (f) Pursuant to Act 287 of 1974, 73 P.S. § 176 et seq., the location, size and ownership of all underground utilities and any rights-of-way within the property.
- (g) Appropriate contours at two (2) to five (5) foot intervals with sufficient details to show the course, structure and capacity of all drainage facilities and the method of drainage of the adjacent or contiguous territory. All ground contours shall be taken from U.S. Coast and Geodetic Survey bench marks and run direct to the degree that the actual elevations of the spot points or contours shall be the exact elevations above U.S. Coast and Geodetic Survey datum.
- (h) Natural features map which indicates:
  - [1] Floodplain areas.
  - [2] Floodplain soil areas.
  - [3] Slope areas over eight percent (8%)
  - [4] Wooded areas and large trees standing alone.
  - [5] Streams, wetlands and marshy areas.
  - [6] Lakes, ponds, lake and pond shorelines, and other natural resources.
- (i) The boundaries of the various soil types and identification keys as indicated in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, with a description of each soil type and limitations of the soils for on-site sewage disposal, buildings with basements, streets and parking lots.

- (j) Stormwater management district boundaries applicable to the site.
  - [1] Plans and profiles of proposed stormwater management facilities, including horizontal and vertical locations, size and type of material. This information shall be of the quality required for the construction of all facilities and include all calculations, assumptions and criteria used in the design of the facilities; a schedule for installation of such facilities; and a proposed schedule of inspections which will be performed by the applicant's engineer or designee in company with the Township Engineer or designee.
  - [2] The locations of septic tank infiltration areas and wells when infiltration methods such as cisterns, seepage beds or trenches or infiltration basins are used. Also, soil percolation tests and submission of the percolation data and test locations to substantiate percolation rates used in the drainage calculations to show necessary soil percolation rates for use of on-site infiltration facilities [(f) = 0.20 inches/hours].
  - [3] Plans and profiles of all erosion and sedimentation control measures, temporary as well as permanent, including all calculations, assumptions and criteria used in designing the controls, and a schedule for their implementation.
- (4) Proposed layout.
  - (a) The layout of streets, including name and width of cartways and rights-of-way, alleys and crosswalks and sidewalks.
  - (b) The layout and approximate dimensions of lots, with lots numbered consecutively.
  - (c) The arrangement of buildings and parking areas in commercial, office, institutional and multifamily developments, with all necessary dimensions noted on the plan and including the location of:
    - [1] Lights.
    - [2] Fire hydrants.
    - [3] Trash receptacles.
    - [4] Open space.
    - [5] Buffer yards.
    - [6] Recreational facilities.

- (d) Zoning requirements, with proposed standards, to include:
  - [1] Minimum lot size.
  - [2] Density.
  - [3] Number of dwelling units, with lot sizes.
  - [4] Open space and impervious surface ratios.
  - [5] Building setback lines (based on yard requirements).
  - [6] Parking spaces.
  - [7] Buffer yards.
- (e) Landscape plan with plant list and proposed contours. The landscape plan shall be reviewed and approved by the Middletown Township Arbor Commission.
- (f) A reference to any land dedicated for public use or offered for dedication for parks, recreation areas, schools, widening of streets or other public uses.
- (g) For multifamily developments, the total area, total dwelling units, number of buildings, proposed density, total parking spaces, building coverage and the bedroom ratio, and other requirements of the Zoning Ordinance (Chapter 500).
- (h) For subdivision, the total area, number of lots, average and minimum lot size, and proposed length of new streets.
- (i) Location and size of storm drains, sanitary sewers, culverts, watercourses and all appurtenances thereof, on-site sewage disposal facilities, gas mains, water mains, fire hydrants, streetlights, planting, special structures, and other underground conduits or structures.
- (j) An indication of any lots in which other than a residential use is intended.
- (k) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities or other pertinent reasons.
- (l) Tentative typical cross sections and center-line profiles for each proposed street shown on the preliminary plan. These plans may be submitted as separate sheets.
- (m) Where the preliminary plan covers only a part of the owner's entire holding, a sketch shall be submitted of the perspective street layout for the remainder.

- (n) The words "preliminary plan - not to be recorded" shall be shown on the plan.
- (5) Proposed layout for condominium conversions. In addition to the above information, the plan shall indicate the location of each unit to be converted to individual ownership.
- (6) Soil erosion and sedimentation control plan and stormwater management plan for the construction phase of the project.
- (7) Transportation impact study.
  - (a) Applicability.
    - [1] A transportation impact study shall be submitted as part of the preliminary plan application for all subdivisions and/or land developments that meet one or more of the following criteria:
      - [a] Residential: fifty (50) or more dwelling units.
      - [b] Nonresidential: developments which will generate five hundred (500) or more trips per day. The number of trips per day shall be determined through the use of the Institute of Transportation Engineer's Trip Generation Manual (1987, as amended).
    - [2] The preliminary plan application for those subdivisions and/or land developments meeting one or more of the aforesaid criteria shall not be complete until the transportation impact study is submitted to the Township Manager in accordance with the provisions of this section.
    - [3] The Middletown Township Planning Commission, at its discretion, may require that the preliminary plan application for any other subdivision or land development be accompanied by a transportation impact study; provided, however, that the Planning Commission notifies the applicant of such a requirement immediately following the Planning Commission's first meeting to consider the proposal. Such a notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems or type of use (i.e., generation of heavy truck traffic). The transportation impact study shall be submitted to the Township Manager within thirty (30) days of the date of said notification.



- (b) Definitions. The following words and phrases shall have, for the purpose of this chapter, the meaning hereinbelow indicated:

**LEVEL OF SERVICE** -- As described in the 1985 Highway Capacity Manual, indicates how well traffic moves on a particular highway facility or through a specific intersection. There are six (6) levels of servicing ranging from A through F. Level of Service A indicates generally free movement. Level of Service E represents maximum capacity of the facility. Level F indicates congestion. Level of Service C is considered the design level of service, representing a stable traffic flow and a relatively satisfactory travel speed.

**MAJOR INTERSECTION** -- Any intersection where traffic generated by the proposal will have a significant impact on the operation of the intersection. Where doubt exists, the transportation engineer shall seek guidance from the Middletown Township Manager prior to the submission of the traffic impact study.

**PUBLIC TRANSPORTATION** -- Transportation service for the general public provided by a common carrier of passengers generally on a regular route basis by the Southeastern Pennsylvania Transportation Authority or a private operator offering service to the public.

**STUDY AREA** -- This area will extend approximately one-half (1/2) mile along the adjacent roadway in both directions from all access points or to a major intersection along these roadways. Where doubt exists, the transportation engineer shall seek guidance from the Middletown Township prior to the submission of the traffic impact study.

**TRIP GENERATION RATES** -- The total count of trips to and from a study site per unit of land use, as measured by parameters like dwelling units, acres, etc.

**VOLUME/CAPACITY ANALYSIS** -- This procedure compares the volume of a roadway or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period). The procedures described in the 1985 Highway Capacity Manual, Highway Research Board Special Report 87, as outlined in the PennDOT Design Manual, Volume 2, shall be followed.

WARRANTS FOR TRAFFIC SIGNAL INSTALLATION -- This is a series of eight (8) warrants which detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration, 1971.

- (c) Conduct of transportation impact study. The transportation impact study shall be prepared by a qualified traffic engineer and/or planner.
- (d) General requirements and standards. A transportation impact study shall contain the following information:
  - [1] General site description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed land development. If the development is residential, types of dwelling units and number of bedrooms shall also be included. A brief description of other major existing and proposed land developments within the study area shall be provided. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
  - [2] Transportation facilities description. The description shall contain a full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelizations, and any intersection within the site. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning radius at all access points to allow a bus to enter the development. Bus shelter and sign locations shall be designated where appropriate. The report shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one (1) mile radius of the site shall also be documented. All future highway improvements, including proposed construction and traffic signalization, shall be noted. This information shall be obtained from the twelve (12) year highway capital program for the Delaware Valley Region and from the Pennsylvania Department of Transportation. Any proposed roadway improvements due to proposed surrounding developments shall be recorded.

- [3] Existing traffic conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic, and peak development-generated hour(s) traffic shall be recorded. Manual traffic counts at major intersections in the study area shall be conducted, encompassing the peak highway and development-generated hour(s), and documentation shall be included in the report. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development-generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location. This analysis will determine the adequacy of the existing roadway system to serve the current traffic demand. Roadways and/or intersections experiencing Level of Service E or F shall be noted as congestion locations.
- [4] Transportation impact of the development. Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development-generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the Institute of Transportation Engineer's Trip Generation Manual (1987, as amended). These development-generated traffic movements, as estimated, and the reference source(s) and methodology followed shall be documented. All turning movements shall be calculated. These generated volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. Pedestrian volumes shall be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristics of the site that will cause particular trip generation problems shall be noted.
- [5] Analysis of transportation impact.
- [a] The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using an annual traffic rate of five percent [5%]), the development-generated traffic, and the traffic generated by other proposed developments in the study area. A second volume/capacity analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is

anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development-generated hour(s) for all roadways and major intersections in the study area. Volume/capacity calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted.

[b] All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

[6] Conclusions and recommended improvements.

[a] Levels of service for all roadways and intersections shall be listed. All roadways and/or intersections showing a level of service below "C" shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, site access location and design, external roadway and intersection design and improvements, traffic signal installation and operation, including signal timing, and transit design improvements. All physical roadway improvements shall be shown in sketches.

[b] Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included. An analysis based on the guidelines contained in the Bucks County Public Transportation Study "Phase I" Report shall be undertaken to indicate whether or not future public transportation service should be provided to the development.

[c] The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement, and the completion date for the improvement.

(e) Implementation and PennDOT submission.

[1] The Middletown Township Planning Commission, the Bucks County Planning Commission, the Township Police Department, and the Board of Supervisors shall review the transportation

impact study to analyze its adequacy in solving any traffic problems that will occur due to the subdivision or land development. The Board of Supervisors may decide that certain improvements on or adjacent to the site are mandatory for plan approval and may attach these conditions to the approval if the Township concludes that additional improvements are necessary, the developer shall have the opportunity to resubmit alternative improvement designs for approval.

- [2] Improvement plans shall not be submitted to PennDOT until the plans have been reviewed by the Middletown Township Planning Commission and the Bucks County Planning Commission and approved by the Board of Supervisors. This submittal to PennDOT shall be accompanied by the comments of the Township and the County Planning Commissions.

**§ 440-304. Final plan, major subdivision or land development.**

**[Amended 12-1-1992 by Ord. No. 92-13; 12-1-1992 by Ord. No. 92-16; 3-1-1994 by Ord. No. 94-02; 8-16-2000 by Ord. No. 00-09]**

- A. General. A final plan shall be submitted conforming to the changes agreed to during the preliminary plan procedure. The final plan and all information and procedures relating thereto shall in all respects be in compliance with this chapter, except where variation therefrom may be specifically indicated in writing by the Board of Supervisors.
- B. Purpose. The purpose of the final plan is to ensure formal approval by the Board of Supervisors before plans for all subdivisions and land developments are recorded as required by this chapter.
- C. Procedure.
- (1) Applicant submits to the Township Manager the final plan and application in two (2) forms, as follows: one (1) copy in an electronic medium acceptable to the Township Engineer and such paper copies as determined by the Township and pursuant to its then-current schedule for submission of subdivision and land development plans, along with necessary permits and letters of approval from the reviewing agencies within one (1) year from the date of receiving approval or conditional approval of the preliminary plan.
  - (2) Copies of the final plan and all required information shall be submitted to the Township Manager together with any required fees and escrow deposit.

- (a) If no preliminary plan has been filed, a deposit and fee as required in accordance with the current fee schedule adopted by resolution of the Board of Supervisors shall be paid upon the submission of the complete final plan to the Township Manager.
  - (b) If the final plan is submitted more than one (1) year after receiving approval or conditional approval of the preliminary plan as required, an additional review fee shall be paid in accordance with the fee schedule adopted by the Board of Supervisors. An additional escrow deposit is not required, unless the total deposit with the Township is less than that required in accordance with the current fee schedule.
- (3) Township Manager shall immediately distribute copies of the final plan and application to:
- (a) Township Board of Supervisors: five (5) copies.
  - (b) Township Planning Commission: two (2) copies.
  - (c) Bucks County Planning Commission: two (2) copies.
  - (d) Township Engineer: one (1) copy.
  - (e) Sewer and Water Engineer: one (1) copy.
  - (f) Sewer and Water Department: one (1) copy.
  - (g) Township files: two (2) copies.
  - (h) Fire Marshal: one (1) copy.
- (4) Following receipt of the complete submission to the Township Manager, the Township Engineer:
- (a) Reviews the applicant's submission for engineering considerations; and
  - (b) Prepares a report for the Planning Commission and the Board of Supervisors.
- (5) Following receipt of the complete submission to the Township Manager, the Middletown Township Planning Commission:
- (a) Receives and reviews the applicant's submission and the reports from all applicable reviewing agencies;
  - (b) Discusses submission with the applicant, if requested by the applicant;

- (c) Evaluates applicant's submission, presentation, discussion with applicant and the reviewing agencies' reports;
  - (d) Determines whether the final plan meets the objectives and requirements of this chapter and other ordinances; determines if the final plan is consistent with the approved preliminary plan; and
  - (e) Prepares a written report on the project for use by the Board of Supervisors.
- (6) Following receipt of the Township Planning Commission's report and within 90 days following the receipt of the applicant's complete submission, as indicated in § 440-301(C), the Board of Supervisors shall:
- (a) Review and evaluate applicant's submission.
  - (b) Review and evaluate all reports submitted from all applicable reviewing agencies.
  - (c) Listen to applicant's presentation and discuss project with the applicant, if requested.
  - (d) Determine whether the final plan meets the objectives and requirements of this chapter and other ordinances, or, where preceded by an approved preliminary plan, determine whether the final plan is in accordance with its terms and conditions as approved.
  - (e) Inform the applicant in writing of the decision and the reasons for the decision not later than fifteen (15) days following the decision and within the ninety (90) day review period established by the Municipalities Planning Code. A plan shall not be approved if any changes are required.
- (7) If the final plan is approved, the Board of Supervisors shall adopt same by resolution or motion.
- (a) Approval shall not be final until entry into contract and production of completion guarantees as set forth in § 440-606.
  - (b) Eight (8) exact copies of the approved final plan shall be submitted to the Board of Supervisors. Two (2) copies shall be on linen with the signatures of the required agencies as specified in § 440-301. Six (6) copies of the complete submission shall be on paper for distribution to the various reviewing agencies.
- (8) Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and manner required shall be deemed an

approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

- (9) If disapproved, the Board of Supervisors shall state the reasons for this action, citing specific sections in the applicable ordinances which the plan failed to meet, and where the final plan is preceded by an approved preliminary plan, the Board shall specify how it fails to meet the terms of preliminary approval. The applicant may file a revised final plan with the Township Manager.

D. Required plan information. The final plan shall show or be accompanied by the following information:

- (1) Drafting standards.
  - (a) Plans shall be drawn on sheets no larger than thirty six inches (36") by forty eight inches (48"). All sheets comprising a submission shall be on one (1) size. Sheets should be large enough to clearly show all required features but at a scale not less than one (1) inch equals one hundred feet (100'). The plan shall be a clear and legible white paper print.
  - (b) Each set of plans shall be folded to a size which can be accommodated in a legal (8½ inches by 14 inches) file folder.
  - (c) The submission shall include a copy of the site plan for the entire property on a single sheet at an appropriate scale that will fit the maximum sheet size submitted.
  - (d) Dimensions shall be in feet and decimal parts thereof and bearings in degrees, minutes and seconds.
  - (e) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
  - (f) Where any revision is made, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
  - (g) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.



(2) General information.

- (a) Name of the subdivision or land development.
- (b) Name and address of the record and/or equitable owner.
- (c) Name and address of the engineer, surveyor or architect responsible for the plan.
- (d) Present zoning classification with district requirements.
- (e) Total acreage of the tract.
- (f) Date, North point, and scale (written and graphic).
- (g) A location map for the purpose of locating the site to be subdivided or developed, at a scale of not less than eight hundred feet (800') to the inch, showing the relation of the tract to adjoining property and to all streets, roads and Township boundaries existing within one thousand feet (1,000') of any part of the property proposed to be subdivided or developed.
- (h) Tax parcel number(s) of the tract.

(3) Existing features.

- (a) Complete outline survey of the property to be subdivided or developed, showing all courses, distances and area, and tie-ins to all adjacent street intersections with existing monument indicated.
- (b) The names of owners, tax parcel members and zoning classification of land immediately adjacent or across from the subject tract.
- (c) Site boundaries with the layout and dimension of lots.
  - [1] In the case of mobile home parks, the placement, location and number of mobile home lots and mobile home pads on a layout map of the parcel.
  - [2] The arrangement of buildings and parking areas in commercial, multifamily and mobile home parks developments with all necessary dimensions noted on the plan.
- (d) All existing highways, streets and roads on or adjacent to any part of the tract, including name, right-of-way width (existing and future) and cartway width, are required to be shown on the plan. An aerial photograph must be submitted showing these features within two hundred feet (200') of the tract. If requested, the Township Engineer

may require these features to be shown on the plan within two hundred feet (200') of the tract in addition to the aerial photograph. [Amended 5-29-2007 by Ord. No. 07-07]

- (e) All existing buildings and their uses, bodies of water (including streams, lakes and ponds), wetlands and marsh areas, sewers, culverts, petroleum or petroleum product lines, gas lines, electric and telephone lines, fire hydrants, all other utilities and other significant man-made features on or immediately adjacent to the tract must be shown on the plan. If requested, the Township Engineer may require these features to be shown on the plan within two hundred feet (200') of the tract. [Amended 5-29-2007 by Ord. No. 07-07]
- (f) Pursuant to Act 287 of 1974, the location, size and ownership of all underground utilities, and any rights-of-way within the property.
- (g) Appropriate contours at two (2) to five (5) foot intervals with sufficient details to show the course, structure and capacity of all drainage facilities, and the method of drainage of the adjacent or contiguous territory. All ground contours shall be taken from U.S. Coast and Geodetic Survey bench marks and run direct to the degree that the actual elevations of the spot points or contours shall be the exact elevations above U.S. Coast and Geodetic Survey datum.
- (h) Natural features map which indicates:
  - [1] Floodplain areas.
  - [2] Floodplain soil areas.
  - [3] Slope areas over eight percent (8%).
  - [4] Wooded areas and large trees standing alone.
  - [5] Streams, wetlands and marshy areas.
  - [6] Lakes, ponds, lake and pond shorelines, and other natural resources.
- (i) The boundaries of the various soil types and identification key as indicated in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, with a description of each soil type and limitations of the soils for on-site sewage disposal, buildings with basements, streets and parking lots.
- (j) Stormwater management district boundaries applicable to the site.

(4) Proposed layout.

- (a) The layout of streets, including name and width of cartways and rights-of-way, alleys and crosswalks and sidewalks.
- (b) The layout and dimensions of lots with lots numbered consecutively.
- (c) The arrangement of buildings and parking areas in commercial, office, institutional and multifamily developments with all necessary dimensions noted on the plan, and including the location of:
  - [1] Lights.
  - [2] Fire hydrants.
  - [3] Trash receptacles.
  - [4] Open space areas.
  - [5] Buffer yards.
  - [6] Recreational facilities.
- (d) Zoning requirements, with proposed standards, to include:
  - [1] Minimum lot size.
  - [2] Density.
  - [3] Number of dwelling units with lot sizes.
  - [4] Open space and impervious surface ratios.
  - [5] Building setback lines (based on yard requirements).
  - [6] Parking spaces.
  - [7] Buffer yards.
- (e) Landscape plan with plant list and proposed contours.<sup>lvEN</sup>

- (f) For multifamily developments, the total area, total dwelling units, number of buildings, proposed density, total parking spaces, building coverage and the bedroom ratio and other requirements of the Zoning Ordinance (Chapter 500).
- (g) For subdivision, the total area, number of lots, average and minimum lot size, and proposed length of new streets.
- (h) Location and size of storm drains, sanitary sewers, culverts, watercourses and all appurtenances thereof, on-site sewage disposal facilities, gas mains, water mains, fire hydrants, streetlights, planting, special structures, and other underground conduits or structures.
- (i) An indication of any lots in which other than a residential use is intended.
- (j) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities or other pertinent reasons.
- (k) Final typical cross sections and center-line profiles for each proposed street shown on the final plan. These plans may be submitted as separate sheets.
- (l) Accurate locations of all monuments, one (1) to be placed at each change in direction of boundary; two (2) to be placed at each street intersection and one (1) on one (1) side of each street at angle points and at the beginning and at their end, and areas to be conveyed for public use shall be fully monumented at their external boundaries.
- (m) If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- (n) For any plan for which on-site sewage disposal is proposed, the plan shall contain a title block as follows, signed by an authorized agent of the Bucks County Department of Health:

OBSERVATIONS OF DEEP TEST HOLES AND PERCOLATION TESTS ON ALL LOTS HAVE BEEN CONDUCTED BY THE BUCKS COUNTY DEPARTMENT OF HEALTH AND IT HAS BEEN DETERMINED THAT LOTS \_\_\_\_\_ ARE SUITABLE FOR \_\_\_\_\_ TYPE SEWAGE DISPOSAL SYSTEM(S) UNDER CURRENT RULES AND REGULATIONS. PERMITS FOR THE CONSTRUCTION OF EACH INDIVIDUAL SEWAGE DISPOSAL SYSTEM ON EACH LOT MUST BE OBTAINED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE SYSTEM AND/OR BUILDINGS.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Bucks County Health Department Agent)

\_\_\_\_\_  
(Title)

- (5) Proposed layout for condominium conversions. In addition to the above information, the plan shall indicate the location of each unit to be converted to individual ownership.
- (6) Soil erosion and sedimentation control plan and stormwater management plan for the construction phase of the project. This includes a description of the program, in a recordable form, that clearly sets forth the ownership and maintenance responsibility for all temporary and permanent stormwater management facilities, including the following:
  - (a) Description of the method and extent of any maintenance requirements.
  - (b) When maintained by a private entity, identification of a responsible individual, corporation, association or other entity for ownership and maintenance must be provided as a matter of record. Deed covenants and restrictions must be submitted to provide for maintenance by this entity.
  - (c) When maintained by a private entity, a copy of the legally binding document shall be created which provides that Middletown Township shall have the right to:
    - [1] Inspect the facilities at any time.
    - [2] Require the private entity to take corrective measures and assign the private entity reasonable time periods for any necessary action.

- [3] Authorize maintenance to be done and lien the cost of the work against the properties of the private entity responsible for maintenance.
  - (d) Where the stormwater management plan proposes that Middletown Township own or maintain the facilities, a description of the methods, procedures, and extent to which any facilities will require scheduled maintenance shall be turned over to the Township.
  - (e) Prior to approval of the final subdivision and land development plan and stormwater management plan, the Township shall require financial security as a performance guarantee for stormwater management control facilities during the construction period and prior to the transfer of ownership of the affected property to the Township or other approved entity in accordance with Article VI, Administration, of this chapter.
  - (f) When a stormwater management plan is submitted in sections, a generalized stormwater management plan for the entire project site shall be submitted in addition to the detailed stormwater management plan for the proposed section. This generalized plan shall demonstrate how the stormwater management of the proposed section will relate to the entire development. If temporary facilities are required for construction of a section, such facilities shall be included in the submitted stormwater management plan.
- (7) Additional materials required for residential performance standard subdivisions:
- (a) All open spaces shall be so identified, and their proposed use level of maintenance specified.
  - (b) A plan for planting is required for open space; this plan shall show the location for all existing trees greater than twelve inch (12") caliper. All new planting shall indicate species and size.
  - (c) A table showing open space ratio, density and impervious surface ratio.

**§ 440-305. Final plan, minor subdivision.**

**[Amended 12-1-1992 by Ord. No. 92-13; 8-16-2000 by Ord. No. 00-09]**

- A. General. The provisions of this section shall not apply to any subdivision which does not meet the qualifying criteria set forth in the definition of "subdivision" in § 440-202.

B. Purpose. The purpose of this section is to provide a simplified procedure by which minor subdivisions may be submitted and approved.

C. Procedure.

- (1) Applicant prepares final plan and application.
- (2) Applicant submits to the Township Manager the final plan and application in two (2) forms: one (1) copy in an electronic medium acceptable to the Township Engineer and such paper copies as determined by the Township and pursuant to its then-current schedule for submission of subdivision and land development plans.
- (3) Copies of the final plan and all required supplemental data initially shall be submitted to the Township Manager, together with the required fees and escrow deposit established in accordance with the current fee schedule adopted by resolution by the Board of Supervisors. The Township Manager shall note the date of receipt of the application, fees and escrow deposit. The application shall not be deemed to be submitted until a complete application and required fees have been submitted.
- (4) Upon submission of a complete application, together with all required fees and escrow deposits, the Township Manager shall accept the application, plans and other required materials as filed and shall immediately distribute copies of the final plan and application to:
  - (a) Township Board of Supervisors: five (5) copies.
  - (b) Township Planning Commission: two (2) copies.
  - (c) Bucks County Planning Commission: two (2) copies.
  - (d) Township Engineer: one (1) copy.
  - (e) Water and Sewer Department: one (1) copy.
  - (f) Township files: two (2) copies.
  - (g) Historic Preservation Commission: one (1) copy.
- (5) Following receipt of the complete submission, the Middletown Township Planning Commission:
  - (a) Receives and reviews the applicant's submission and the reports from all applicable agencies.
  - (b) Discusses submission with the applicant, if requested by the applicant.
  - (c) Evaluates the applicant's submission, presentation, discussion with applicant and reviewing agencies' reports.

- (d) Determines whether the final plan meets the objectives and requirements of this chapter and other ordinances.
  - (e) Prepares a written report recommending approval or disapproval of the final plan for use by the Board of Supervisors.
- (6) Following receipt of the Township Planning Commission's report and within ninety (90) days following the receipt of the applicant's complete submission, as indicated in § 440-301(C), the Board of Supervisors shall:
- (a) Review and evaluate applicant's submission.
  - (b) Review and evaluate reports from all applicable reviewing agencies.
  - (c) Listen to the applicant's presentation and discuss project with the applicant, if requested.
  - (d) Determine whether the final plan meets the objectives and requirements of this chapter and other ordinances.
  - (e) Inform the applicant in writing of the decision and the reasons for the decision not later than fifteen (15) days following the decision and within the ninety (90) day review period established by the Municipalities Planning Code.
- (7) If the final plan is approved, the Board of Supervisors shall adopt same by resolution or motion.
- (a) No plat which proposes sewage disposal by means of a public sewer system shall be approved until it has been established through written documentation that service and capacity are available in the sewerage system being considered for service.
  - (b) Five (5) exact copies of the approved final plan shall be submitted to the Board of Supervisors. Two (2) copies shall be on linen with the signatures of the required agencies as specified in § 440-311. Three (3) copies of the complete submission shall be on paper for distribution to the various reviewing agencies.
- (8) If disapproved, the Board of Supervisors shall state the reasons for this action, citing specific sections in the applicable ordinances which the plan failed to meet. The applicant may file a revised minor subdivision plan with the Township Manager.
- D. Required plan information. The final plan shall show or be accompanied by the following information:



- (1) Drafting standards.
  - (a) Plans shall be drawn on sheets no larger than thirty six inches (36") by forty eight inches (48"). All sheets comprising a submission shall be on one (1) size. Sheets should be large enough to clearly show all required features but at a scale not less than one (1) inch equals one hundred (100'). The plan shall be a clear and legible white paper print.
  - (b) Each set of plans shall be folded to a size which can be accommodated in a legal (8½ inches by 14 inches) file folder.
  - (c) The submission shall include a copy of the site plan for the entire property on a single sheet at an appropriate scale that will fit the maximum sheet size submitted.
  - (d) Dimensions shall be in feet and decimal parts thereof and bearings in degrees, minutes and seconds.
  - (e) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
  - (f) Where any revision is made, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
  - (g) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
- (2) General information.
  - (a) Name of the subdivision.
  - (b) Name and address of the record and/or equitable owner.
  - (c) Name and address of the engineer, surveyor or architect responsible for the plan.
  - (d) Present zoning classification with district requirements.
  - (e) Total acreage of the tract.
  - (f) Date, North point, and scale (written and graphic).
  - (g) A location map for the purpose of locating the site to be subdivided, at a scale of not less than eight hundred (800) feet to the inch, showing the relation of the tract to adjoining property and to all streets, roads and Township boundaries existing within one thousand feet (1,000') of any part of the property proposed to be subdivided.

- (h) Tax parcel number(s) of the tract.
- (3) Existing features.
- (a) Complete outline survey of the property to be subdivided, showing all courses, distances and area, and tie-ins to all adjacent street intersections, with existing monuments indicated.
  - (b) The names of owners, tax parcel numbers and zoning classification of land immediately adjacent or across from the subject tract.
  - (c) Site boundaries with the layout and dimension of lots.
  - (d) All existing highways, streets and roads on or adjacent to any part of the tract, including name, right-of-way width (existing and future) and cartway width, are required to be shown on the plan. An aerial photograph must be submitted showing these features within two hundred feet (200') of the tract. If requested, the Township Engineer may require these features to be shown on the plan within two hundred feet (200') of the tract in addition to the aerial photograph. [Amended 5-29-2007 by Ord. No. 07-07]
  - (e) All existing buildings and their uses, bodies of water (including streams, lakes and ponds), wetlands and marsh areas, sewers, culverts, petroleum or petroleum product lines, gas lines, electric and telephone lines, fire hydrants, all other utilities and other significant man-made features on or immediately adjacent to the tract must be shown on the plan. If requested, the Township Engineer may require these features to be shown on the plan within two hundred feet (200') of the tract. [Amended 5-29-2007 by Ord. No. 07-07]
  - (f) Pursuant to Act 287 of 1974, 73 P.S. § 176 et seq., the location, size, and ownership of all underground utilities, and any rights-of-way within the property.
  - (g) Appropriate contours at two (2) to five (5) foot intervals with sufficient details to show the course, structure and capacity of all drainage facilities, and the method of drainage of the adjacent or contiguous territory. All ground contours shall be taken from U.S. Coast and Geodetic Survey bench marks and run direct to the degree that the actual elevations of the spot points or contours shall be the exact elevations above U.S. Coast and Geodetic Survey datum.
  - (h) Natural features map which indicates:
    - [1] Floodplain areas.
    - [2] Floodplain soil areas.

- [3] Slope areas over eight percent (8%).
  - [4] Wooded areas and large trees standing alone.
  - [5] Streams, wetlands and marshy areas.
  - [6] Lakes, ponds, lake and pond shorelines, and other natural resources.
- (i) The boundaries of the various soil types and identification keys as indicated in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, with a description of each soil type and limitations of the soils for on-site sewage disposal, buildings with basements, streets and parking lots.
- (4) Proposed layout.
- (a) The layout and dimensions of lots, with lots numbered.
  - (b) The total area, number of lots, and lot sizes.
  - (c) Zoning requirements, with standards, to include:
    - [1] Minimum lot size.
    - [2] Density.
    - [3] Building setback lines (based on yard requirements).
  - (d) A reference to any land dedicated for public use or offered for dedication for parks, recreation areas, schools, widening of streets or other public uses.
  - (e) An indication of any lots in which other than a residential use is intended.
  - (f) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities or other pertinent reasons.
  - (g) Accurate locations of all monuments, one (1) to be placed at each change in direction of boundary, two (2) to be placed at each street intersection and one (1) on one side of each street at angle points and at the beginning and end of curves. Utility easements shall be monumented at their beginning and at their end, and areas to be conveyed for public use shall be fully monumented at their external boundaries.
  - (h) For on-lot facilities, the location of water supply and sewage disposal.

- (i) If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- (j) For any plan for which on-site sewage disposal is proposed, the plan shall contain a title block as follows, signed by an authorized agent of the Bucks County Department of Health:

OBSERVATIONS OF DEEP TEST HOLES AND PERCOLATION TESTS ON ALL LOTS HAVE BEEN CONDUCTED BY THE BUCKS COUNTY DEPARTMENT OF HEALTH AND IT HAS BEEN DETERMINED THAT LOTS \_\_\_\_\_ ARE SUITABLE FOR \_\_\_\_\_ TYPE SEWAGE DISPOSAL, SYSTEM(S) UNDER CURRENT RULES AND REGULATIONS. PERMITS FOR THE CONSTRUCTION OF EACH INDIVIDUAL SEWAGE DISPOSAL SYSTEM ON EACH LOT MUST BE OBTAINED PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OF THE SYSTEM AND/OR BUILDINGS.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Bucks County Health Department Agent)

\_\_\_\_\_  
(Title)

**§ 440-306. Lot line changes. [Amended 12-1-1992 by Ord. No. 92-13]**

- A. General. A lot line change shall result in the same number or fewer lots as existed prior to the lot line change, and the area of each of the lots involved shall not increase or decrease by more than twenty percent (20%) of the original lot area.
- B. Purpose. The purpose of the lot line change is to provide an expeditious means of subdivision approval of the adjustment or relocation of one (1) existing boundary line between two (2) adjacent lots or the shifting of boundary lines to increase the area of an existing lot.

C. Procedure.

- (1) Applicant prepares lot line change plan and application.
- (2) Applicant submits to the Township Manager the lot line change plan and application in two (2) forms: one (1) copy in an electronic medium acceptable to the Township Engineer and such paper copies as determined by the Township and pursuant to its then-current schedule for submission of subdivision and land development plans.
- (3) Copies of the lot line change plan and all required supplemental data initially shall be submitted to the Township Manager, together with the required fees and escrow deposit established in accordance with the current fee schedule adopted by resolution by the Board of Supervisors. The Township Manager shall note the date of receipt of the application, fees and escrow deposit. The application shall not be deemed to be submitted until a complete application and required fees have been submitted.
- (4) Upon submission of a complete application together with all required fees and escrow deposits, the Township Manager shall accept the application, plans and other required materials as filed and shall immediately distribute copies of the final plan and application to:
  - (a) Township Board of Supervisors: five (5) copies.
  - (b) Township Planning Commission: two (2) copies.
  - (c) Bucks County Planning Commission: two (2) copies.
  - (d) Township Engineer: one (1) copy.
  - (e) Township files: two (2) copies.
- (5) Following receipt of the complete submission, the Middletown Township Planning Commission shall review and forward its recommendation on the proposed lot line change to the Board of Supervisors.
- (6) Following receipt of the Township Planning Commission's report and within ninety (90) days following the receipt of the applicant's complete submission, as indicated in § 440-301(C), the Board of Supervisors shall:
  - (a) Review and evaluate the applicant's submission and the reports from all applicable reviewing agencies;
  - (b) Determine whether the lot line change plan meets the objectives and requirements of this chapter and other ordinances; and

- (c) Inform the applicant of the decision and the reasons for the decision not later than fifteen (15) days following the decision and within the ninety (90) day review period established by the Municipalities Planning Code.
- D. Required plan information. The lot line change shall show or be accompanied by the following:
- (1) Drafting standards.
    - (a) Plans shall be drawn on sheets no larger than thirty six inches (36") by forty eight inches (48"). All sheets comprising a submission shall be on one (1) size. Sheets should be large enough to clearly show all required features but at a scale not less than one (1) inch equals one hundred (100'). The plan shall be a clear and legible white paper print.
    - (b) Each set of plans shall be folded to a size which can be accommodated in a legal (8½ inches by 14 inches) file folder.
    - (c) The submission shall include a copy of the site plan for the entire property on a single sheet at an appropriate scale that will fit the maximum sheet size submitted.
    - (d) Dimensions shall be in feet and decimal parts thereof and bearings in degrees, minutes and seconds.
    - (e) Each sheet shall be numbered and shall show its relationship to the total number of sheets.
    - (f) Where any revision is made, or when the plan is a revision of a previously approved plan, dotted lines shall be used to show features or locations to be abandoned and solid lines to show the presently proposed features.
    - (g) The plan shall be so prepared and bear an adequate legend to indicate clearly which features are existing and which are proposed.
  - (2) General information.
    - (a) Name of the lot line change.
    - (b) Name and address of the record and/or equitable owner.
    - (c) Name and address of the engineer, surveyor or architect responsible for the plan.
    - (d) Present zoning classification with district requirements.

- (e) Total acreage of the tract.
  - (f) Date, North point, and scale (written and graphic).
  - (g) A location map for the purpose of locating the site to be subdivided at a scale of not less than eight hundred (800) feet to the inch, showing the relation of the tract to adjoining property and to all streets, roads and Township boundaries existing within one thousand feet (1,000') of any part of the property proposed to be subdivided.
  - (h) Site boundaries.
  - (i) Property lines, existing and proposed.
  - (j) Lot sizes, existing and proposed.
  - (k) All existing buildings (and the uses), driveways, wells, sewer systems, utility easements, etc.
  - (l) Monuments, existing and proposed.
  - (m) Tax parcel number(s) of the tract.
- (3) Recording information.
- (a) A statement to the effect that the applicant(s) is(are) the owner(s) of the land and that the lot line change shown on the plan is made with his(their) free consent and that it is desired to record same.
  - (b) Signature of the owner(s) of the land.
  - (c) The impression seal and signature of a notary public or other qualified officer acknowledging owner's statement of intent.
  - (d) Signatures of three members of the Board of Supervisors.

**§ 440-307. Appeals where Supervisors refuse approval.**

In any case where the Board of Supervisors disapproves a final plan, any person aggrieved thereby may appeal therefrom by petition to the Court of Common Pleas of Bucks County. Appeals shall be governed by the Pennsylvania Municipalities Planning Code.

**§ 440-308. Recording plats and deeds.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Upon approval of a final plat, the developer shall, within ninety (90) days of such final approval, record such plat in the office of the recorder of deeds of the county in which the Township is located. The recorder of deeds shall not accept any plat for recording unless such plat officially notes the approval of the Board of Supervisors and review by the county planning agency.
- B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.
- C. The applicant shall notify the Board of Supervisors in writing of the date of such recording and the plan book and page wherein such subdivision or land development is recorded.

**§ 440-309. Effect of recording.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Streets, parks and other public improvements shown on a subdivision or land development plan to be recorded may be offered for dedication to the Township by formal notation thereof on the plan, or the owner may note on the plan that such improvements have not been offered for dedication to the Township.
- B. Every street, park or other improvement shown on a subdivision or land development plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the Township and accepted by resolution or ordinance and recorded in the Office of the Clerk of the Court of Common Pleas of Bucks County, or until it has been condemned for use as a public street, park or other improvement.

**§ 440-310. Effect of approval.**

- A. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall adversely affect the application.
- B. The applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.



- C. When a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the approved preliminary application.
- D. If an application is properly and finally denied, any subsequent application shall be subject to any and all governing regulations in effect at the time of the new application.
- E. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment of the zoning, subdivision or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. When final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in light of the provisions of the governing ordinances and plans as they stood at the time when the application for such approval was duly filed.
- F. A time extension beyond the five (5) year limit may be granted by the Board of Supervisors. Such extension shall be in writing.
- G. When the landowner has substantially completed the required improvements as depicted on the final plat within the time limits, no change in Township ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- H. In the case of a preliminary plat calling for the installation of improvements beyond the established time period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the last section has been granted. Any modification of the aforesaid schedule shall be subject to approval of the Board of Supervisors, in its discretion.
- I. Each section in a residential subdivision or land development, except for the last section, shall contain a minimum of twenty five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors, in its discretion, provided that the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with the time schedule where applicable, all of the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply, and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the five (5) year period, the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

- J. Failure of the landowner to adhere to an established schedule of submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinances enacted by the Township subsequent to the date of the initial preliminary plan submission.

**§ 440-311. Record plan.**

- A. The record plan shall be a clear and legible blue or black line print and shall be an exact copy of the approved final plan on a sheet of the size required for final plans.
- B. The following information shall appear on the record plan, in addition to the information required in §§ 440-304, 440-305 and 440-306 for the final plan.
  - (1) Seals.
    - (a) The impressed seal of the licensed professional land surveyor who prepared the plan in accordance with the Commonwealth of Pennsylvania Act 367 of 1979.
    - (b) The impressed corporation seal, if the applicant is a corporation.
    - (c) The impressed seal of a notary public or other qualified officer acknowledging owner's statement of intent.
  - (2) Acknowledgements.
    - (a) A statement to the effect that the applicant is the owner of the land proposed to be subdivided and that the subdivision shown on the final plan is made with his or their free consent and that it is desired to record the same.
    - (b) An acknowledgement of said statement before an officer authorized to take acknowledgements.
  - (3) The following signatures shall be placed directly on the plan in ink:
    - (a) The signatures of the owner or owners of the land. If the owner of the land is a corporation, the signatures of the president and secretary of the corporation shall appear.
    - (b) The signature of the notary public or other qualified officer acknowledging the owner's statement of intent.
    - (c) The signature of the licensed surveyor who prepared the plan.
    - (d) The signature of the Township Engineer.
    - (e) The signatures of three (3) members of the Board of Supervisors.
- C. Linens will not be released to the applicant before improvements are completed in accordance with the final plan or until improvements are guaranteed in accordance with the final plan.

**§ 440-312. Effect of plat approval on Official Map.**

**[Added 12-1-1992 by Ord. No. 92-13]**

After a plat has been approved and recorded as provided in this chapter, all streets and public grounds on such plat shall be and become a part of the Official Map of the Township of Middletown without public hearing.

**§ 440-313. Mediation option.**

**[Added 12-1-1992 by Ord. No. 92-13]**

- A. Parties to proceedings involving the approval of a subdivision or land development plan may utilize mediation as an aid in completing such proceedings. Nothing in this section shall be interpreted as expanding or limiting municipal police powers or as modifying any principles of substantive law.
- B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township shall assure that in each case the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:
  - (1) Funding mediation.
  - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
  - (3) Completing mediation, including time limits for such completion.
  - (4) Suspending time limits otherwise authorized in the Pennsylvania Municipalities Planning Code, provided there is written consent by the mediating parties and by an applicant or municipal decisionmaking body if either is not a party to the mediation.
  - (5) Identifying all parties and affording them the opportunity to participate.
  - (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
  - (7) Assuring that mediated solutions are in writing and signed by the parties and become subject to review and approval by the appropriate decisionmaking body pursuant to the authorized procedures set forth in the Pennsylvania Municipalities Planning Code.
- C. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

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**ARTICLE IV, Design Standards [Added 6-24-1986 by Ord. No. 86-10]**

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**§ 440-401. Application.**

- A. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare.
- B. Where literal compliance with the standards herein specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.
- C. The following principles, standards and requirements shall be applied in evaluating plans for a proposed subdivision or land development. The standards of the Middletown Township Zoning Ordinance (Chapter 500) for the particular district in which the subdivision or land development is taking place shall govern the layout of lots and/or design of buildings, parking lots and other facilities.

**§ 440-402. General standards.**

- A. All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands or other proposed uses, so that remnants and landlocked areas shall not be created.
- B. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.
- C. In general, lot lines shall follow Township boundary lines rather than cross them.
- D. Subdivisions and land developments shall be properly designed in order to prevent the necessity for excessive cut or fill. Subdivisions and land developments shall be laid out to come as close as possible to balancing cut-and-fill operations on site.
- E. No land shall be developed or plotted for residential purposes unless all hazards to life, health or property, including flood, fire and disease, have been eliminated or unless the plans provide adequate safeguard against such hazards without disturbing the natural condition of the land.
- F. Land subject to flooding, as indicated in the Soil Survey of Bucks and Philadelphia Counties, Pennsylvania, and land designated as wetlands on the National Wetlands Inventory prepared by the United States Fish and Wildlife Service shall not be plotted for residential occupancy.

- G. Where trees, groves, waterways, scenic points, historic spots, or other community assets and landmarks are located within a proposed subdivision or land development, every possible means to the fullest extent shall be provided to preserve these features.
- H. Unless a permit is obtained from PaDEP, discarded building material shall be disposed of in a manner consistent with the Pennsylvania Solid Waste Management Act of 1980, 35 Pa.C.S.A. § 6018.101 et seq. Such material shall not be disposed of on site but shall be taken to a licensed disposal facility.

**§ 440-403. Blocks.**

**[Amended 12-1-1992 by Ord. No. 92-13; 12-1-1992 by Ord. No. 92-16; 8-16-2000 by Ord. No. 00-09]**

- A. For the purpose of this chapter, a block shall be defined as a unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterway or any other barrier to development.
- B. The length, width and shape of blocks shall be determined with due regard to the following:
  - (1) Provisions of adequate sites for the types of buildings proposed.
  - (2) Zoning requirements for lot sizes, dimensions and minimum lot areas per dwelling unit.
  - (3) The limitations and opportunities of the topography.
  - (4) Utilization of potential solar energy.
  - (5) Safe and convenient vehicular and pedestrian circulation and access.
  - (6) Special consideration to the requirements of satisfactory fire protection.
- C. Blocks in subdivisions shall have a maximum length of one thousand six hundred feet (1,600') and a minimum length of five hundred feet (500').
- D. Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots are used.

**§ 440-404. Lots.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Lot dimensions and areas shall not be less than specified by the provisions of the Zoning Ordinance (Chapter 500).

- B. Building setback lines shall be at and not a distance greater than specified by the provisions of the Zoning Ordinance.
- C. Residential lots must front on and have wholly owned access to either an existing or proposed street.
- D. Double-frontage lots shall be deed restricted to limit access to the lower order street.
- E. Lot orientation shall promote solar access. This is achieved by building placement with the long axis in a general east-west direction.

**§ 440-405. Easements.**

- A. Utility easements with a minimum width of twenty feet (20') shall be provided as necessary. Joint utilization of easements by two (2) or more utilities is encouraged.
- B. To the fullest extent possible, easements shall be centered or adjacent to rear or side lot lines.
- C. Nothing shall be permitted to be placed, set or put within the area of a utility easement except lawns or suitable low ground cover.
- D. Access easements shall be provided where there are common driveway or shared access arrangements.
- E. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage, but not less than twenty feet (20'), or as may be required or directed by the Township and/or the Department of Environmental Protection. The owner shall properly grade and seed slopes and fence any open ditches when it is deemed necessary by the Township.
- F. No right-of-way or easement for any purpose whatsoever shall be created, recited or described in any deed unless the same has been shown on the approved record plan.

**§ 440-406. Stormwater management.**

- A. Definitions. Unless a contrary intention clearly appears, the following words and phrases shall have the meanings in the following clauses. These terms pertain to stormwater management but shall serve as a supplement to those words defined in Article II, Definitions, of this chapter.

**ARTIFICIAL WETLAND** -- A water drainage area created to exhibit the same characteristics as a naturally occurring wetland through vegetation and hydrology.

**BEST MANAGEMENT PRACTICES (BMPs)** -- Management practices or methods for controlling stormwater runoff which provide a benefit either hydrological (i.e., reduction of runoff volumes) or to water quality (i.e., reduction of pollutants).

**CATION EXCHANGE CAPACITY (CEC)** -- A property of soil whereby positively charged ions are absorbed and held by soil chemistry. The bonded ions (cations) are resistant to movement by water but can be exchanged by other cations entering the soil body.

**CISTERN** -- An underground reservoir or tank for storing rainwater.

**CONSERVATION DISTRICT** -- The Bucks County Conservation District.

**CULVERT** -- A pipe, conduit or similar structure, including appurtenant works, which carries surface water.

**DEDICATION** -- The implied or express grant of property by its owner for general public use.

**DESIGN STORM** -- The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., fifty [50] year storm) and duration (e.g., twenty four [24] hours) and used in computing stormwater management control systems.

**DETENTION BASIN** -- A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate.

**DEVELOPMENT SITE** -- The specific tract of land for which a regulated activity is proposed.

**DRAINAGE EASEMENT** -- A right granted by a landowner to a grantee, allowing the use of private land for stormwater management purposes.

**DUAL PURPOSE DETENTION** -- Detention practices for stormwater runoff which provide two types of control: hydrologically addressing peak flow release rates and extending the detention of the first flush volume of runoff for water quality improvements.

**EROSION** -- The removal of soil particles by the action of water, wind, ice or other geological agents.

**FIRST FLUSH** -- Terminology applied to the initial volume of stormwater runoff that collects during a storm. For the Neshaminy Creek Watershed Stormwater Management Plan, the first flush volume of stormwater runoff is defined as two and seven-tenths inches (2.7"), or that volume of water resulting from the one (1) year-twenty four (24) hour design storm.

**GROUNDWATER RECHARGE** -- Replenishment of existing natural underground water supplies.

**INFILTRATION STRUCTURES** -- A structure designed to direct runoff into the ground (e.g., french drains, seepage pits, seepage trench).

**NRCS** -- Natural Resources Conservation Service, U.S. Department of Agriculture [formerly Soil Conservation Service (SCS)].

**PEAK DISCHARGE** -- The maximum rate of flow of storm runoff at a given point and time resulting from a specified storm event.

**REGULATED ACTIVITIES** -- Actions or proposed actions which impact upon proper management of stormwater runoff and which are specified in § 440-406(C) of this chapter.

**RELEASE RATE** -- The percentage of the predevelopment peak rate of runoff for a development site to which the post-development peak rate of runoff must be controlled to protect downstream areas.

**RETENTION BASIN** -- A basin designed to retain stormwater runoff so that a permanent pool is established.

**RUNOFF** -- That part of precipitation which flows over the land.

**SEDIMENT** -- Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by water.

**SEDIMENTATION BASIN** -- A barrier, dam, retention or detention basin designed to retain sediment.

**SEEPAGE PIT/SEEPAGE TRENCH** -- An area of excavated earth filled with loose stone or similar material and into which surface water is directed for infiltration into the ground.

**SEMI-IMPERVIOUS SURFACE** -- A surface such as stone, rock, concrete or other material which prevents some percolation of water into the ground.



**SOIL-COVER-COMPLEX METHOD** -- A method of runoff computation developed by NRCS, which is based upon relating soil type and land use/cover to a runoff parameter called a curve number.

**STORM SEWER** -- A system of pipes or other conduits which carries intercepted surface runoff, street water and other waters, or drainage, but excludes domestic sewage and industrial wastes.

**STORMWATER MANAGEMENT FACILITIES** -- Any human-made or natural drainage structure used to contain or detain stormwater runoff. Stormwater management facilities include, but are not limited to, detention basins; retention or wet pond basins; artificial or natural wetlands; infiltration basins, trenches, seepage pits or cisterns; culverts; swales; or storm (sewer) drains.

**STORMWATER MANAGEMENT PLAN** -- The plan for managing stormwater runoff adopted by Bucks County for the Neshaminy Creek Watershed as required by the Act of October 4, 1978, P.L. 864, (Act 167), known as the "Stormwater Management Act."

**STREAM** -- A watercourse.

**SUBAREA** -- The smallest unit of watershed breakdown for hydrologic modeling purposes for which the runoff control criteria have been established in the Neshaminy Creek Watershed Stormwater Management Plan.

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

**WET POND** -- A pond or basin facility designed to retain stormwater runoff so that a permanent pool is established.

**B. Applicability.**

- (1) All improvement activities for all parcels, including improvements to existing activities or other facilities, including, but not limited to, parking areas, are subject to the stormwater management regulations specified in this section. The stormwater management regulations apply to all areas of the Township. However, specific criteria and requirements are given for those areas of the Township which are located within the Neshaminy Creek drainage basin and delineated on Map 8, Volume III, "Stormwater Runoff Peak Rate Districts," in the Neshaminy Creek Watershed Stormwater Management Plan for Middletown Township.

- (2) The portion of the Township which is not in the Neshaminy Creek drainage basin will be regulated by the general stormwater management provisions not specific to the Neshaminy basin.

C. Regulated activities.

- (1) For any of the regulated activities of this section, prior to the final approval of subdivision and/or land development plans or the issuance of any permit or the commencement of any land disturbance activity, the owner, subdivider, developer or his agent shall submit a stormwater management plan for approval by the Board of Supervisors. In addition to the requirements of this section, the plan shall meet the requirements of Title 25, Rules and Regulations of the DEP, Chapter 102, Erosion Control; Chapter 105, Dam Safety and Waterway Management; and Chapter 106, Floodplain Management.
- (2) The following activities are defined as regulated activities and shall be regulated by the stormwater management provisions.
  - (a) Subdivision and/or land development.
  - (b) Construction of new or additional impervious surfaces (driveways, parking lots, etc.).
  - (c) Construction of new buildings or additions to existing buildings.
  - (d) Diversion or piping of any natural or man-made stream channel.

D. Exemptions to regulated activities. All improvements to existing activities or other facilities, including, but not limited to, parking areas, are subject to the stormwater management regulations specified in this section. Due to the limited impact on stormwater runoff, the following activities are exempt from stormwater plan preparation requirements; however, stormwater associated with any activity must be managed in a manner consistent with this section. Any regulated activity which would create less than two thousand five hundred (2,500) square feet of additional impervious cover is exempt from the stormwater management plan preparation provisions of this subsection. This criterion shall apply to the total proposed development, even if the development is to take place in stages. Any area proposed for gravel or crushed stone, etc., shall be considered to be impervious for purposes of this subsection. The Township may require plan preparation and submission of the individual lot grading plans in connection with zoning permit applications in order to promote the purposes of the stormwater management provisions.

- (1) Agricultural operations exclusion. Any land disturbance associated with agricultural activities operated in accordance with a conservation plan or

erosion and sedimentation control plan approved by the Bucks County Conservation District or the USDA Natural Resources Conservation Service is exempt from the stormwater management plan preparation provisions of this section.

- (2) Forest management operations exclusion. Any land disturbance associated with forest management operations which are following the DEP's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and is operating under an adequate erosion and sedimentation control plan approved by an applicable agency is exempt from the stormwater management plan preparation provisions of this section.
  - (3) Mining operations exclusion. Any land disturbance associated with mining operations approved and operated in accordance with all applicable rules and regulations of the DEP and which is operating under an erosion and sedimentation control plan approved by the applicable agency.
  - (4) Use of land for gardening for home occupation.
- E. Stormwater management plan. A stormwater management plan for the proposed regulated activity shall contain the following information:
- (1) Written report, including the following information:
    - (a) General description of project.
    - (b) General description of proposed stormwater management controls and facilities both during and after development.
    - (c) General description of erosion and sedimentation controls including those contained in § 440-407, Erosion and sedimentation control.
    - (d) Expected project time schedule, including anticipated start and completion dates.
  - (2) Mapping of the watershed area or areas in which the proposed subdivision or land development is located. Stormwater management district boundaries applicable to the site in accordance with § 440-406(H) of this chapter.
  - (3) An evaluation shall be performed for the specific section of the watershed in which the regulated activity is located to assess the impact the proposal will have on downstream conditions. The stormwater management plan shall address all identified impacts to the satisfaction of the Township.
  - (4) Computations of the stormwater runoff for all points of runoff concentration before, during and after development, including all supporting data.

- (5) Complete drainage systems for the subdivision or land development. All existing drainage features which are to be incorporated in the design shall be so identified with an explanation of the operations of the facilities.
- (6) Plans showing all existing and proposed drainage facilities affecting the subject property.
- (7) Plan of the proposed stormwater drainage systems, including storm drain pipes and inlets, runoff control devices, and drainage channels.
- (8) Plan of the proposed grading.
- (9) Design computations for the sizing of the outlet device for the stormwater runoff management facility.
- (10) A stage-storage curve for any detention/retention basin(s).
- (11) Flood routing and/or storage requirement calculations.
- (12) A plan showing the berm embankment and outlet structure. The plan shall also indicate the top of berm elevation, top width of berm and side slopes, emergency spillway elevation, elevations of the outlet structure including the riser, dimensions and spacing of anti-seep collars.
- (13) Plans and profiles of proposed stormwater management facilities, including horizontal and vertical location, size and type of material. This information shall be of the quality required for the construction of all facilities and include all calculations, assumptions and criteria used in the design of the facilities; a schedule for installation of such facilities; and a proposed minimum schedule of inspections which will be performed by the applicant's engineer or designee in company with the Township Engineer or designee during construction until dedication of such facilities.
- (14) The locations of septic tank infiltration areas and wells when infiltration methods such as cisterns, seepage beds or trenches, infiltration basins, or porous pavement are used. Soil infiltration rates and percolation tests and submission of the percolation data and test locations to substantiate percolation rates used in the drainage calculations.
- (15) Plans and profiles of all erosion and sedimentation control measures, temporary as well as permanent, including all calculations, assumptions and criteria used in designing the controls, and a schedule of their implementation.
- (16) An encroachment map which illustrates all natural features and a preliminary regrading plan which illustrates all disturbance of the identified natural feature areas; the amount of each natural feature disturbed indicated and illustrated on the encroachment map.

- (17) Rights-of-way and/or easements proposed to be created for all drainage purposes, utilities or other reasons.
  - (18) A detailed plan of the trash rack and anti-vortex device.
  - (19) An overall plan of the basin area, at a scale of one (1) inch equals fifty feet (50') minimum, showing the grading and landscaping.
  - (20) A detailed plan of all required off-site improvements.
- F. General requirements. The standards contained in this section shall apply as minimum design standards; however, federal and state regulations may impose additional standards, subject to their jurisdiction.
- (1) Retention of existing watercourses and natural drainage features.
    - (a) Whenever a watercourse, stream or intermittent stream is located within a development site, it shall remain open in its natural state and location and shall not be piped, unless piping is required by the Township or a state agency.
    - (b) The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
    - (c) No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems (including existing stormwater management facilities) or create flooding or the need for additional drainage on other private properties or public lands.
    - (d) The Middletown Township Board of Supervisors may require a developer to provide a permanent easement along any watercourse located within or along the boundary of any property being subdivided or developed. The purpose of any such easement shall be for the maintenance of the channel of any watercourse, and the terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the watercourse. The required width of any such easement shall be determined by the Township Engineer, U.S. Army Corps of Engineers, Pennsylvania Department of Environmental Protection or other public agency having jurisdiction, but in no case shall such easement be less than twenty feet (20') in width. The developer will retain the easement until such time as one of the following is accomplished:
      - [1] The easement is offered for dedication by the developer and accepted by Middletown Township.

- [2] If an easement acceptable to the Township is established, the maintenance shall then be the responsibility of the individual lot owners over whose property the easement passes. For land developments, the maintenance shall then be the responsibility of the owner.
  - [3] A homeowners' association or other approved legal entity, approved by Middletown Township, assumes responsibility for the maintenance of the development, including the retention of the watercourse easement.
- (2) The developer shall construct and/or install stormwater management facilities and drainage structures, on and off site, as necessary to:
- (a) Prevent erosion damage and to satisfactorily carry off, detain or retain and control the rate of release of stormwater.
  - (b) Manage the anticipated peak discharge from the property being subdivided or developed and existing runoff being contributed from all land at a higher elevation in the same watershed.
  - (c) Convey stormwater along or through the property to a natural outfall. If a developer concentrates dispersed stormwater flow or redirects stormwater flow to exit at another location on the property, the developer is responsible for constructing an adequate channel on the adjacent property and on all downstream properties until a natural outfall is reached. A natural outfall shall have sufficient capacity to receive stormwater without deterioration of the facility and without adversely affecting property in the watershed. This natural outfall may be a river, creek or other drainage facility so designated by Middletown Township for the proposed system.
  - (d) Encourage all runoff control measures to percolate the stormwaters into the ground where practical, in the judgment of the Township Engineer, to aid in the recharge of groundwaters.
  - (e) Carry surface water to the nearest adequate street drain, storm drain, detention basin, natural watercourse or drainage facility.
  - (f) Take surface water from the bottom of vertical grades, to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.
  - (g) Maintain the adequacy of the natural stream channels. Accelerated bank erosion shall be prevented by controlling the rate and velocity of runoff discharge to these watercourses, so as to avoid increasing occurrence of stream bank overflow.

- (h) Preserve the adequacy of existing culverts and bridges by suppressing the new flood peaks created by new land development.
  - (i) If in the course of preparing or reviewing the stormwater management plan the Township determines that off-site improvements are necessary to satisfactorily handle the stormwater from the proposed development, the developer shall be responsible for the payment of such study and/or construction of off-site improvements.
- (3) Where applicable, stormwater management facilities or programs shall comply with the requirements of Chapter 102, Erosion Control; Chapter 105, Dam Safety and Waterway Management; and Chapter 106, Floodplain Management, of Title 25, Rules and Regulations of the DEP.
  - (4) Stormwater management facilities which involve a state highway shall be subject to the approval of PennDOT.
  - (5) Stormwater management facilities located within or affecting the floodplain of any watercourse shall also be subject to the requirements of any Township ordinance which regulates construction and development within areas which are subject to flooding.
  - (6) Access to facilities shall be provided for maintenance and operation. This access shall be a cleared access that is at least twenty feet (20') wide. Proximity of facilities to public rights-of-way shall be encouraged in order to minimize the length of accessways. Multiple accesses shall be encouraged for major facilities.
  - (7) Additional studies and higher levels of control than the minimum provided in the requirements and criteria of this chapter may be required by the Middletown Township Board of Supervisors to ensure adequate protection to life and property.

G. Water quality requirements.

- (1) Post-development runoff volume generated from the one (1) year-twenty four (24) hour design storm must be controlled so that it is released over a minimum of twenty four (24) hours. This standard applies to all stormwater runoff control facilities or management techniques within subdivisions or land developments in the Township.
- (2) The water quality requirement applies to all areas of the Township, both inside and outside of the Neshaminy Creek Watershed. Provisions for the water quality requirement supersede all other hydrologic peak rate or volume control criteria and must be made regardless of stormwater runoff peak rate district criteria.

H. Stormwater runoff peak rate requirements and districts.

- (1) Those areas of Middletown Township outside the Neshaminy Creek Watershed shall be required to control the post-development peak rate of runoff so that it is discharged at not more than the predevelopment peak rate of runoff.
- (2) Mapping of stormwater runoff peak rate districts.
  - (a) In order to implement the provisions of the Neshaminy Creek Watershed Stormwater Management Plan, Middletown Township is hereby divided into stormwater runoff peak rate districts consistent with the plan. The boundaries of the districts are shown on Map 8, Stormwater Runoff Peak Rate Districts, as found in Volume III, Graphic Supplement, of the Neshaminy Creek Watershed Stormwater Management Plan.
  - (b) The exact location of the stormwater runoff peak rate district boundaries as they apply to a given development site shall be determined by mapping the boundaries using the two (2) foot or five (5) foot topographic contours provided as part of the stormwater management plan developed for the site. The district boundaries, as originally drawn, coincide with topographic divides or, in certain instances, are drawn from the intersection of the watercourse and a physical feature such as the confluence with another watercourse or a potential flow obstruction (road, culvert, bridge, etc.) to the topographic divide consistent with topography. The location of the stormwater management district boundary on a stormwater management plan shall be reviewed and verified by the Township Engineer.
- (3) Description of stormwater runoff peak rate districts.
  - (a) Release rate districts. These watershed areas require that the post-development peak rate of stormwater runoff be controlled to the stated percentage of the predevelopment peak rate of stormwater runoff for the range of design storms greater than the one (1) year-twenty four (24) hour storm in order to protect downstream watershed areas. The release rate districts and their respective release rate control design criteria for peak flow are as follows:



<b>Subwatershed</b>	<b>Release Rate Percentage</b>
Core Creek (by subareas) 11.5, 11.7 11.6 11.61	100% 50% 50%
Lower Main Stem (by subarea) 10.4, 14.6 14.7 (pertaining to drainage areas wholly within Middletown Township)	100% 50%

(b) Provisional direct discharge districts.

- [1] This watershed area may discharge post-development peak rate of runoff for design storms greater than the one (1) year-twenty four (24) hour storm without adversely affecting the total watershed peak flow.

<b>Subwatershed</b>	
Core Creek (by subarea) 11.62, 11.63	Direct discharge

- [2] In determining if adequate capacity exists in the local stream network, the developer must assume that the entire drainage area for the local stream network is developed per current zoning and that all new development would use the runoff controls specified in this article.

- (c) Provisional lower reaches/one hundred percent (100%) release rate district. These watershed areas, defined as the lower reaches or tidal influences areas of the Neshaminy Creek Watershed, require that the post-development peak rate of runoff be controlled to the predevelopment peak rate of runoff for design storms greater than the one (1) year-twenty four (24) hour storm. However, development sites which can discharge directly to the Neshaminy Creek main channel or indirectly to the main channel through an existing stormwater drainage system (i.e., storm sewer) may do so without control of post-development peak rate of runoff for design storms greater than the one (1) year-twenty four (24)hour storm. If the post-development runoff is intended to be conveyed by an existing stormwater drainage system to the main channel, assurances must be provided that such system has adequate capacity to convey the increased peak flows or will be provided with

improvements to furnish the required capacity. When adequate capacity does not exist and will not be provided through improvements, the post-development peak rate of runoff must be controlled to the predevelopment peak rate for the specified design storms. The areas which are included in this district are as follows:

<b>Subwatershed</b>
Lower reaches of Main Stream (by subarea) 15.1, 15.2, 15.3, 15.4, 15.5

I. Stormwater design standards and criteria.

- (1) Any stormwater management controls required by this section and subject to the water quality requirement (§ 440-406G) and the stormwater runoff peak rate requirements (§ 440-406H) shall meet the applicable water quality and peak rate requirements for the one (1)-, two (2)-, five (5)-, ten (10)-, twenty five (25)-, fifty (50)-, and one hundred (100)-year return period runoff events (design storms) consistent with the calculation methodology specified in (§ 440-406J). Provisions must also be made for safely passing the runoff greater than that occurring from the one-hundred-year design storm.
- (2) For a proposed development site located within a single release rate district (§ 440-406H), the total runoff from the site shall meet the applicable release rate criteria. For development sites within a single release rate district with multiple points of concentrated runoff discharge, individual drainage points may be designed for up to a one hundred percent (100%) release rate as long as the cumulative, total runoff from the site is controlled to the applicable release rate. All points of concentrated discharge, however, must meet the applicable water quality requirement (§ 440-406G) for the specific drainage areas of the site draining to the discharge points.
- (3) For a proposed development site located within two (2) or more release rate districts or within a release rate district and the provisional lower reaches/one hundred percent (100%) release rate district, the maximum peak rate of runoff that may be discharged at any point is limited to the predevelopment peak rate of runoff at that point multiplied by the applicable release rate. All runoff from the site, however, is subject to the water quality requirement of (§ 440-406G) of this chapter. Provisions for direct discharge may be made in accordance with (§ 440-406H) of this chapter.

- (4) For proposed development sites located partially within a release rate district and partially within a provisional direct discharge district, in no event shall a significant portion of the site area subject to the release rate control be drained to a discharge point(s) located in the provisional direct discharge district. All runoff from the site will be subject to the water quality requirement as stated in (§ 440-406G) of this chapter.

J. Runoff control measures or best management practices (BMPs).

- (1) Increased stormwater runoff which may result from regulated activities listed in (§ 440-406C) of this chapter shall be controlled by permanent stormwater runoff control measures that will provide the required standards and criteria of § 440-406. The methods of stormwater control or best management practices (BMPs) which may be used to meet the required standards and criteria described in the "Neshaminy Creek Watershed Stormwater Management Plan" (Volume II, Section III). Additional design criteria are included in these descriptions. The choice of BMPs is not limited to the ones appearing in the watershed plan; however, any selected BMP must meet the required water quality and runoff peak rate requirements.
- (2) As a minimum, first flush detention must be used to meet the water quality requirement and dual purpose detention must be used to meet the water quality requirement and the stormwater runoff peak rate requirements where appropriate as specified in (§ 440-29H) of this chapter.
- (3) Developers are encouraged to use BMPs other than the minimum BMPs specified (e.g., infiltration techniques and/or wet ponds or artificial wetlands), if appropriate, to provide for additional water quality improvement and groundwater recharge. In evaluating potential stormwater BMPs, the order of preference for the Neshaminy Creek Watershed is as follows:
  - (a) Infiltration BMPs.
  - (b) Wet ponds.
  - (c) Artificial wetlands.
  - (d) Minimum first flush detention or dual purpose detention.
- (4) Infiltration BMPs shall be designed in accordance with the design criteria and specifications in the "Neshaminy Creek Watershed Stormwater Management Plan" (Volume III, Section III) and shall meet the following minimum requirements:

- (a) Infiltration BMPs intended to receive runoff from impervious surface associated with residential land use and/or previous surface runoff associated with both residential uses and nonresidential uses shall be constructed on soils which have the following characteristics:
  - [1] A minimum depth of forty eight inches (48") between the intended bottom of the facility and the seasonal high water table and/or bedrock (limiting zones). The forty eight inch (48") minimum depth to a limiting zone requirement may be reduced to twenty four inches (24") as long as the soil has a cation exchange capacity (CEC) of greater than ten (10) and/or does not have a sandy loam or loamy sand texture.
  - [2] Infiltration rate and percolation rate of greater than two-tenths (0.2) inches/hour.
- (b) Infiltration BMPs intended to receive runoff from impervious surface associated with nonresidential uses shall be constructed on soils which have the following characteristics:
  - [1] A minimum depth of forty eight inches (48") between the intended bottom of the facility and the seasonal high water table and/or bedrock (limiting zones).
  - [2] Infiltration rate and percolation rate of greater than two-tenths (0.2) inches/hour.
- (c) Infiltration BMPs intended to receive only rooftop runoff shall be constructed on soils that have a minimum depth of twenty four inches (24") between the intended bottom of the facility and the seasonal high water table and/or bedrock (limiting zones) and have an infiltration rate or percolation rate of greater than two-tenths (0.2) inches/hour.
- (d) Where direct discharge is permitted under the requirements of (§ 440-406H) of this chapter, infiltration BMPs shall be designed to provide adequate storage to accommodate the post-development first flush design storm volume with outlet and overflow controls to convey runoff larger than the first flush design storm volume safely to a natural outfall.
- (e) In areas where runoff release rates are specified under the requirements of (§ 440-406H) of this chapter, regardless of the specified release rate percentage, infiltration BMPs shall be designed to, as a minimum:

- [1] Provide adequate storage to accommodate the volume of runoff calculated as the difference between the predevelopment runoff volume and the post-development runoff volume based on the largest required design storm;
  - [2] Control the post-development peak rate of runoff to the predevelopment peak rate of runoff for design storms greater than the one (1) year- twenty four (24) hour storm; and
  - [3] Provide an overflow or spillway which safely permits the passing of runoff greater than that occurring during the largest design storm.
- (5) Wet pond and artificial wetland BMPs shall be designed in accordance with the design criteria and specifications in Volume II, Section III, of the Plan and shall meet the following minimum requirement:

Wet pond and artificial wetland BMPs shall be constructed on hydric or wet soils and/or on soils which have an infiltration rate and percolation rate of less than two-tenths (0.2) inches/hour.

- (6) Large-scale regional or subregional stormwater runoff projects. The initiative and funding for any regional or subregional runoff control alternatives are the responsibility of a prospective developer(s). The design of any regional control facility must incorporate reasonable development of the entire upstream watershed. The peak outflow of a regional facility would be determined on a case-by-case basis using the hydrologic model of the watershed consistent with protection of the downstream watershed areas. "Hydrologic model" refers to the calibrated Neshaminy Creek model as developed for the stormwater management plan. Nevertheless, the water quality requirement of (§ 440-406G) must be met by the regional facility design.

**K. Runoff calculation methodology.**

- (1) To calculate the potential increase in total runoff and peak flow rate resulting from a proposed site development, the Soil-Cover-Complex Method shall be used, as outlined in *Urban Hydrology for Small Watersheds*, U.S. Department of Agriculture, Natural Resources Conservation Service, Technical Release 55 (NTIS PB87-101580) and following the mathematical analyses described in *Computer Program for Project Formulation - Hydrology* (SCS Technical Release 20, 1983).
- (2) Farm field or disturbed earth predevelopment cover conditions (existing conditions) of a site or portions of a site used for modeling purposes shall be considered as "meadow" when developing the necessary cover complex

calculations. The Board of Supervisors, upon consultation with the Township Engineer, may grant a developer the option of applying a one hundred percent (100%) release rate to a site which is located in a seventy five percent (75%) release rate district. In this case the developer must prove that, by using meadow as the actual condition for a site or portions of the site which are farm field or disturbed earth, the calculated predevelopment release rate peak for the entire site would be equivalent to or less than the release rate calculated for the entire site using the appropriate release rate (seventy five percent [75%]) applied to runoff peak rates for farm field or disturbed earth portions of the site assessed as their actual cover conditions.

- (3) The Natural Resources Conservation Service Type II twenty four (24) hour rainfall distribution shall be used in the soil-cover-complex calculations. The twenty four (24)hour rainfall depths for the return periods used in the Soil-Cover-Complex Method shall be:

<b>Return Period (year)</b>	<b>24-hour Rainfall Depth (inches)</b>
1	2.7
2	3.3
5	4.2
10	5.0
25	5.8
50	6.4
100	7.2

- (4) The design of any stormwater management facility intended to meet the requirements of this chapter shall be verified by routing the design storm hydrographs through the proposed facility.

L. Detention basin design requirements.

- (1) Detention basins shall be designed to facilitate regular maintenance, mowing and periodic desilting and reseeded. Basins shall not be located within floodplains or floodplain soils. In general, shallow broad basins are preferred to steep-sided basins.
- (2) The maximum slope of the earthen detention basin embankments shall be four to one. The preferred slope for vegetated detention basin embankments is three to one. The top or toe of any slope shall be located a minimum of five feet from any property line. Whenever possible, the side slopes and basin shape shall conform to the natural topography.
- (3) The minimum top width of the detention basin berm shall be ten (10) feet.

- (4) In order to ensure proper drainage on the basin bottom, a minimum grade of two percent (2%) shall be maintained for areas of sheet flow. For channel flow a minimum grade of one percent (1%) shall be maintained.
- (5) An overflow system shall be provided to carry runoff to the detention basin, when the capacity of the storm drain pipe system is exceeded. The overflow system shall have sufficient capacity to carry the runoff difference between the one hundred (100) year storm peak flow rate and the capacity of the storm drainpipe system. The one hundred (100) year storm peak shall be calculated by the Soil-Cover-Complex Method.
- (6) Whenever possible, the emergency spillway for detention basins shall be constructed on undisturbed ground. Emergency spillways shall be constructed of reinforced concrete. All emergency spillways shall be constructed so that the detention basin berm is protected against erosion. The minimum capacity of all emergency spillways shall be the peak flow rate for the one hundred (100) year design storm after development. The construction material of the emergency spillway shall extend along the upstream and downstream berm embankments slopes. The upstream edge of the emergency spillway shall be a minimum of three feet below the spillway crest elevation. The downstream slope of the spillway shall at a minimum extend to the toe of the berm embankment. The emergency spillway shall not discharge over earthen fill and/or easily erodible material.
- (7) The minimum freeboard shall be two (2) feet. Freeboard is the difference between the design flow elevations in the emergency spillway and the top of the settled detention basin embankment.
- (8) Anti-seep collars shall be installed around the outlet device within the normal saturation zone of the detention basin berms. The anti-seep collars and their connections to the outlet device shall be watertight. The anti-seep collars shall extend a minimum of two (2) feet beyond the outside of the principal outlet device. The maximum spacing between collars shall be fourteen (14) times the minimum projection of the collar measured perpendicular to the outlet. A minimum of two (2) anti-seep collars shall be installed on each outlet pipe.
- (9) All outlet pipes through the basin berm shall be reinforced concrete pipe with watertight joints.
- (10) Energy-dissipating devices (riprap, end sills, etc.) shall be placed at all basin outlets.

- (11) A perforated riser shall be provided at each outlet of all detention basins during construction for sediment control. The riser shall be constructed of metal or concrete. The riser shall extend to a maximum elevation of two (2) feet below the crest elevation of the emergency spillway. The perforated riser shall be designed so that the rate of outflow is controlled by the pipe barrel through the basin berm when the depth of water within the basin exceeds the height of the riser. Circular perforations with a maximum diameter of one (1) inch shall be spaced eight inches vertically and twelve inches (12") horizontally. The perforations shall be cleanly cut and shall not be susceptible to enlargement. All metal risers shall be suitably coated to prevent corrosion. A trash rack or similar appurtenance shall be provided to prevent debris from entering the riser. All risers shall have a concrete base attached with a watertight connection. The base shall be of sufficient weight to prevent flotation of the riser. An anti-vortex device, consisting of a thin vertical plate normal to the basin berm, shall be provided on the top of the riser.
- (12) All drainage channels shall be designed to prevent erosion of the bed and banks. The maximum permissible flow velocity shall not exceed those outlined in Table 1 of § 440-408(B) of this chapter. Suitable stabilization shall be provided where required to prevent erosion of the drainage channels.
- (13) Any vegetated drainage channel requiring mowing of the vegetation shall have a maximum grade of three (3) horizontal to one (1) vertical on those areas to be mowed.
- (14) Because of the critical nature of vegetated drainage channels, the design of all vegetated channels shall, as a minimum, conform to the design procedures outlined in the Bucks County Erosion and Sediment Control Handbook.
- (15) Detention basins shall be landscaped in accordance with the recommendations of "A Landscape Strategy for Detention Basins," Morris Arboretum, September 1980. Also see the Appendix from Volume II of the Neshaminy Creek Watershed Stormwater Management Plan.

M. Requirements for drainage structures and/or pipes.

- (1) Drainage easement. Drainage easements shall be provided to accommodate all storm drainage requirements and shall be a minimum of twenty feet (20') in width.
- (2) Storm drainage pipe. The minimum diameter of all storm drainage pipe shall be fifteen inches (15") or an equivalent thereto, with the exception of stormwater management facilities where smaller pipe may be necessary to



provide the required first flush detention. The minimum grade of piping shall be one-half percent (0.5%). Structures shall conform to Pennsylvania Department of Transportation specifications and to the Middletown Township Specifications and Design Standards for Streets and Roads.

- (3) Stormwater management facilities.
  - (a) Hydrologic design of stormwater management facilities shall be based upon criteria set forth in the latest edition of Urban Hydrology for Small Watersheds, Technical Release 55 and Engineering Field Manual published by the U.S. Department of Agriculture, Natural resources Conservation Service. At the discretion of the Township Engineer, the Rational Method may be used for watersheds or drainage areas of less than ten (10) acres.
  - (b) Stormwater management facilities areas shall be designed so that the rate of runoff from the site, when developed, will not exceed the runoff from the site that existed before development, except for those areas of the Township within the Neshaminy Creek watershed which are subject to the specific stormwater management plan districts criteria.
  - (c) Discharge piping from stormwater management facilities shall be designed to control the rate of runoff for a two (2) year through one hundred (100) year frequency-twenty four (24) hour storm.
  - (d) Discharge piping from stormwater management facilities intended to control the one (1) year-twenty four (24) hour first-flush design storm to meet the water quality requirements of § 440-406G shall be designed to release the volume of runoff resulting from this storm over a minimum of twenty four (24) hour period.
  - (e) If retention, wet ponds or artificial wetlands are used, the developer shall demonstrate that such ponds are designed to protect the public health and safety.
  - (f) Prior to the granting of final approval of any subdivision or land development plan, the Township must be satisfied through contractual arrangements that all stormwater facilities will be properly maintained. If all or a portion of the facilities are on property which will be conveyed to an individual, homeowners' association or any other eventual owner, the guarantees must be in such a form that they will carry through to the new owners.
  - (g) When first-flush, dual-purpose or other detention basins are provided, they shall be designed to utilize the natural contours of the land whenever possible. When such design is impracticable, the construction of the basin shall utilize slopes as flat as possible to blend the structure into the terrain. All basins shall have slopes no more than three (3) horizontal to one (1) vertical.

- (h) Retention or wet ponds shall be designed so that they return to normal permanent pool conditions within approximately twelve (12) hours after the termination of the storm, unless the Township Engineer finds that downstream conditions may warrant other design criteria for stormwater release.
- (i) Infiltration facilities shall be designed so that they are completely drained within seventy two (72) hours following termination of the storm in order to allow aerobic conditions to be maintained in the facility.
- (j) Emergency overflow facilities shall be provided for all stormwater management facilities to handle runoff in excess of design flows.
- (k) All stormwater management facilities are further subject to the design criteria in § 440-406 of this chapter.

**§ 440-407. Erosion and sedimentation control.**

**[Amended 12-1-1992 by Ord. No. 92-13; 12-1-1992 by Ord. No. 92-16]**

A. General provisions and compliance where earthmoving activities are involved:

- (1) No subdivision or land development plan shall be approved unless there has been a plan approved by the Planning Commission and the Bucks County Conservation District that provides for minimizing erosion and sedimentation consistent with this section, and an improvement bond or other acceptable security in accordance with § 440-606 is deposited with the Township in the form of an escrow guarantee which will ensure installation and completion of the required improvements, or there has been a determination by the Planning Commission and the Bucks County Conservation District that a plan for minimizing erosion and sedimentation is not necessary for approval under this chapter.
- (2) The developer shall construct and/or install such drainage systems as are determined necessary by the Township Engineer(s) to prevent erosion damage and to satisfactorily manage surface waters.
- (3) Measures used to control erosion and reduce sedimentation shall, at a minimum, meet the standards and specifications of the Bucks County Conservation District and the Pennsylvania Department of Environmental Protection Erosion and Sediment Control Manual. In cases where the Bucks County Conservation District does not have standards and specifications for erosion and sedimentation control, other known and commonly accepted standards and specifications may be used as approved by the Township Engineer(s).

- B. The following measures to minimize erosion and sedimentation shall be included where applicable in the control plan:
- (1) Stripping of vegetation, regrading or other development shall be done in a way that will minimize erosion.
  - (2) Development plans shall preserve salient natural features, keep cut-and-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
  - (3) All disturbed areas and stockpiles of topsoil or fill which are to be exposed for greater than twenty (20) days shall be temporarily seeded with annual rye grass or other suitable ground cover within seven days of disturbance or stockpiling.
  - (4) Disturbed soils shall be stabilized as quickly as practical, but shall not exceed ninety (90) days.
  - (5) The permanent (final) vegetation and mechanical erosion control and drainage shall be installed as soon as practical in the development, at the discretion and direction of the Township Engineer.
  - (6) Provisions shall be made to accommodate effectively the increased runoff caused by changed soil and surface conditions during and after development within the site. Where necessary, the rate of surface water runoff will be mechanically retarded.
  - (7) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
- C. Additional erosion and sedimentation control design standards and criteria shall be applied where infiltration BMPs are proposed. These standards include the following:
- (1) Areas proposed for infiltration BMPs shall be protected from sedimentation and compaction during the construction phase, as to maintain their maximum infiltration capacity.
  - (2) Infiltration BMPs shall not be constructed nor receive runoff until the entire contributory drainage area to the infiltration BMP has received final stabilization. Exceptions to this requirement are infiltration basins designed to accept construction phase sediment. Design criteria for such basins are found in Neshaminy Creek Watershed Stormwater Management Plan (Section III of Volume III).

- (3) Sediment traps per design criteria presented in the Pennsylvania Bureau of Soil and Water Conservation's Erosion and Sediment Pollution Control Program Manual are recommended to be used in lieu of sediment basins to prevent premature sedimentation of the infiltration facility.
  - (4) Detailed construction schedules shall be included in all erosion and sedimentation plans and stormwater management plans reviewed by the Bucks County Conservation District and Township.
- D. Site grading. In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:
- (1) All lots, tracts or parcels shall be graded to provide proper drainage away from buildings and dispose of it without uncontrolled ponding, and all land within a subdivision or development shall be graded to drain and manage surface water without uncontrolled ponding, except where ponding (detention basins, etc.) is part of the stormwater management plan for the site.
  - (2) Concentration of surface water runoff shall be permitted only in swales, watercourses or detention basins. Subject to the approval of the Township Engineer, swales shall be sodded, utilize jute matting, or other similar measures to ensure proper growth of the ground cover.
  - (3) Grading shall in no case be done in such a way as to divert water onto an adjacent property.
  - (4) During grading operations, necessary measures for dust control must be exercised.
  - (5) Grading equipment will not be allowed to cross live streams. Where applicable, provisions shall be made for the installation of temporary culverts or bridges with approval from Pennsylvania DEP.
  - (6) Tire cleaning areas shall be provided at each point of access to the development site.
  - (7) At the time a building permit is applied for, the owner shall provide the Township with individual lot grading plans to be reviewed by the Township Engineer(s).
- E. Excavations and fills.
- (1) No excavation shall be made with a cut face steeper than three (3) horizontal to one (1) vertical, except under the following condition. A concrete,

masonry or other approved retaining wall constructed in accordance with approved standards is provided to support the face of the excavation. All retaining walls shall be designed to incorporate protection devices for the safety of residents or users.

- (2) No fill shall be made which creates any exposed surface steeper in slope than three (3) horizontal to one (1) vertical except when the plan for subdivision or land development is accompanied by a written statement prepared by a civil engineer licensed in the commonwealth, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in any property damage. The plan and statement must be approved by the Township Engineer(s).
- (3) Fill shall be placed in order to minimize sliding or erosion of the soil. All fill shall have a compaction rate of ninety five percent (95%), which shall be verified by the Township Engineer.
- (4) Fills shall not encroach on natural watercourses, constructed channels, or wetlands.
- (5) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
- (6) Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
- (7) Cut and fill shall not endanger adjoining property.
- (8) The top or bottom edge of slopes shall be a minimum of five (5) feet from property or right-of-way lines of streets in order to permit the normal rounding of the edge without encroaching on the abutting property.

F. Responsibility.

- (1) Whenever sedimentation is caused by stripping of 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 affected surfaces, drainage systems and watercourses, on and off site, and to repair any damage at his expense as quickly as possible.
- (2) Maintenance of all drainage facilities and watercourses, both existing and proposed, within any proposed subdivision or land development shall be the responsibility of the developer until such time as one of the following is accomplished:
  - (a) An easement for these facilities is offered for dedication by the developer and is accepted by the Township; it shall then be the responsibility of the Township.

- (b) If an easement acceptable to the Township is established, the maintenance shall then be the responsibility of the individual lot owners over whose property the easement passes. For land developments, the maintenance shall then be the responsibility of the owner.
- (c) A homeowners' association or other approved legal entity, approved by the Township, assumes the responsibility for the maintenance of the development, including the maintenance of the watercourses and/or drainage facilities.
- (3) It is the responsibility of any person, corporation or other entity doing any work on or across a stream, watercourse or swale, or upon the floodplain or right-of-way, during the period of the work, to return it to its original or equal condition after such activity is completed.
- (4) No person, corporation or other entity shall block, impede the flow of, alter, construct any structure or deposit any material or thing or perform any work which will affect normal or flood flow in any communal stream, watercourse or wetland without having obtained prior approval from the Township and/or Department of Environmental Protection, whichever is applicable.
- (5) Each person, corporation or other entity which makes any surface changes shall be required to:
  - (a) Collect on-site surface runoff and control it to a point of discharge into the natural watercourse of the drainage area.
  - (b) Handle existing off-site runoff through his development by designing it to adequately handle all upstream runoff.
  - (c) Provide and install at his expense, in accordance with Township requirements, all drainage and erosion control improvements (temporary and permanent) as required by the approved erosion and sediment control plan.

**§ 440-408. Storm and surface drainage.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

**A. General.**

- (1) All subdivision and land development plans shall include designed methods to withhold and release, at a controlled rate, any runoff onto adjacent property.

- (2) Lots shall be laid out and graded to provide positive drainage away from buildings.
  - (3) Storm sewers, culverts and related installations shall be provided:
    - (a) To permit unimpeded flow of natural watercourses in such a manner as to protect the natural character of the watercourses and to provide regulated discharge.
    - (b) To ensure adequate drainage of all low points along the line of streets.
    - (c) To intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained and to prevent substantial flow of water across intersections.
  - (4) Storm sewers, as required, shall be placed in the right-of-way, parallel to the roadway, and shall be designed as a combination storm sewer and underdrain in areas where poor soils and high water table conditions exist. When located in undedicated land, they shall be placed within an easement not less than twenty feet (20) wide, as approved by the Township Engineer(s).
  - (5) Stormwater roof drains shall not discharge water directly onto a sidewalk or a street and shall be constructed to retain all discharge wholly on the property, except where such discharge can be conveyed to a storm sewer system.
  - (6) Drainage structures, which drain watershed areas in excess of one half (½) square mile (320 acres) or which have a span of eight feet (8') or more, shall be designed for a maximum expected runoff as calculated using the Natural Resources Conservation Service Technical Release 55, "Urban Hydrology for Small Watersheds (less than 2,000 acres)." The design storm shall be a minimum fifty (50) year storm. A one hundred (100) year storm shall be used if the structure will significantly affect the existing one hundred (100) year floodplain. A water obstruction permit shall be obtained from the Pennsylvania Department of Environmental Protection for the waterway opening before final design is undertaken.
- B. Storm drainage systems shall be constructed in accordance with the Middletown Township Specifications and Design Standards for Roads and Streets.

<b>Table 1</b>	
<b>Allowable Water Velocities</b>	
<b>Material</b>	<b>Allowable Velocity (feet per second)</b>
1. Well-established grass on good soil	
Short pliant-bladed grass	5 to 6
Bunch grass, soil exposed	2 to 4
Stiff-stemmed grass	2 to 3
2. Earth without vegetation	
Fine sand or silt	1 to 2
Ordinary firm loam	2 to 3
Stiff clay	3 to 5
Clay and gravel	4 to 5
Course gravel	4 to 5
Soft shale	5 to 6
3. Shoulders	
Earth	See 2, "Earth without vegetation," above
Stabilized	6
Paved	10 to 15

**§ 440-409. Street requirements for subdivision, land development and mobile home parks.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. At the time any application, petition or request is filed by any person, partnership, association or corporation for the approval of the construction, opening or dedication of any proposed road or street, the Township shall be assured that said proposed street or road shall be satisfactorily completed and said assurance shall be governed by the provisions of Section 509 of the Pennsylvania Municipalities Planning Code.
- B. Any person, partnership, association or corporation making any application or request for the approval of the construction, opening or dedication of any proposed road shall bear all costs of inspection of such roads and any drainage facilities connected therewith, all engineering costs, all costs of survey, and all other expenses and costs incidental to construction, approval and dedication of such street or road for public use, including legal fees.
- C. Proposed streets shall conform to such Township street and State highway plans as have been prepared, adopted and filed as prescribed by law.



- D. If lots resulting from the original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit further subdivision shall be provided.
- E. Streets that are extensions of existing streets shall bear the names of the existing streets. Street names shall not be repeated within the Township, and all street names shall be subject to the approval of the Board of Supervisors.
- F. Dead-end streets, cul-de-sac streets and eyebrows are prohibited except at the discretion of the Board of Supervisors.
- G. Private streets are prohibited. They will be approved only if they are designed to meet public street standards.
- H. New half or partial streets shall be prohibited, except where essential to reasonable subdivision or land development of a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for completion and dedication of the remaining part of the street is secured by escrow funds or surety bonds.
- I. Wherever a tract to be subdivided or developed borders on an existing half or partial street, the other part of the street shall be platted within such tract.
- J. Any applicant whose property encroaches within the legal right-of-way of a highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation, or Middletown Township.
- K. Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites. Streets shall be so arranged as to be generally parallel to, rather than cross contour lines, as well as to prevent the necessity for excessive cut and fill. Streets shall be laid out to avoid hazardous areas such as floodplains, steep slopes and other hazardous natural features.
- L. Residential streets shall be so laid out that their use by through traffic will be discouraged.
- M. Where possible, streets shall be oriented in a general east-west direction to provide the opportunity for solar utilization and to maximize south facing slopes.

**§ 440-410. Existing streets.**

- A. Classification. Existing streets are classified on the Comprehensive Plan Map and in the Zoning Ordinance (Chapter 500). Where a conflict exists, the more restrictive regulations shall apply. Unclassified streets shall be classified according to their function, at the request of the applicant during plan review.

B. Standards.

- (1) The following chart is a guide to the dimensional standards for the various classifications of existing streets.

Street Classification	Right-of-Way (feet)	Minimum Requirements		
		Cartway (feet)	Curb	Sidewalk
Arterial Street	100	48*	*	*
Collector Street	80	40*	*	*
Primary Street	60	36	*	*
Secondary Street	50	26	*	*
Rural Roads	50	20	*	*
Marginal Access Street	50	26	*	*

**NOTE:**

\* As determined by the Pennsylvania Department of Highways where state roads are involved or by the Board of Supervisors with the advice of the Township Engineer for all other roads.

- (2) The cartway and right-of-way widths in this article are minimum requirements. If it is determined by the Township during the course of review that in order to prevent an increase in traffic congestion or to provide safety from fire and unsafe turning movements additional widths of right-of-way and/or cartway may be required along the frontage of the proposed subdivision or land development.

**§ 440-411. Residential streets.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Purpose. The purpose of these provisions is to establish appropriate standards for the design of streets in residential subdivisions that will:
- (1) Promote the safety and convenience of vehicular traffic;
  - (2) Protect the safety of residents;
  - (3) Minimize the long-term costs for the maintenance and repair of streets;
  - (4) Minimize crime in residential areas;
  - (5) Protect the residential qualities of neighborhoods by limiting traffic volume, traffic speed, noise and fumes;

- (6) Encourage the efficient use of land;
  - (7) Minimize the cost of street construction; and
  - (8) Minimize the construction of impervious surfaces.
- B. Street hierarchy. The intent of this section is to create an integrated residential street system by setting varying street standards within which the designer may design a residential subdivision or land development. The street hierarchy is related to average daily traffic (ADT) levels, lot frontage and the need for on-street parking. The following hierarchy is hereby established.
- (1) Existing streets.
  - (2) Residential collector.
  - (3) Residential subcollector.
  - (4) Residential access.
- C. Classification. New residential streets will be classified according to the expected ADT level of the street (see § 440-411E). If subdivision lots are large enough for further subdivision, the Board of Supervisors may require that the street be constructed to the standards of a higher classification, unless deed restricted against further development.
- D. Design options.
- (1) All new residential streets shall be designed to meet the standard in Table 2, Street Design Options, and § 440-411G, H and I for individual street types.<sup>lvien</sup>
  - (2) No new residential street may tie into an existing residential street if the expected ADT from the new development will exceed the allowable ADT level for the existing street classification.
- E. Trip generation rates. The following chart shall be used to determine the ADT levels of proposed residential developments and streets.

<b>Housing Type</b>	<b>Average Weekday Trip Generation Rates (trips/D.U.)</b>
Single-family detached	10.0
Duplex (twin), multiplex, townhouse, etc.	5.2
Garden apartment, 1 or 2 floors	6.6
Mid- and high-rise apartment, 3 or more floors	4.0
Mobile home	4.8
Retirement village	3.3

F. Spillover parking.

- (1) Spillover parking spaces are parking spaces that are needed to accommodate the vehicles of infrequent visitors such as guests or repairmen. These spaces are required in addition to the number needed to accommodate the residents. Spillover parking may be provided on the individual lots, in separate parking areas, in the common parking areas or on street and shall be provided in close proximity to the units it is intended to serve.
- (2) When off-street spillover parking is required by Table 2, Street Design Options, it shall be provided at the following rates in addition to the minimum requirements of the Zoning Ordinance (Chapter 500).

<b>Housing Type</b>	<b>Spaces per D.U.</b>
Single-family detached	1.5
Attached units	1.0
Apartments	0.5

- (3) When spillover parking is provided on the individual lots, the following criteria must be met:
  - (a) Each space shall be ten feet (10') feet by twenty feet ( 20');
  - (b) The spaces may be provided in the driveway or in a turnaround; and
  - (c) The spillover spaces shall be clearly shown and noted on the subdivision or land development plan.

G. Residential access streets.

- (1) Residential access streets. This is the lowest order street in the hierarchy. It is intended to carry the least amount of traffic at the lowest speed. It will provide the safest and most desirable environment for a residential neighborhood. Developments should be designed so that the maximum number possible of the homes will front on this class of street.
- (2) Service restrictions. Each residential access street shall be designed so that no section of the street conveys a traffic volume greater than two hundred (200) ADT.
- (3) Street access. A residential access street may intersect or take access from any existing street type. Both ends of a loop street, however, must intersect the same collecting street and be laid out to discourage the passage of through traffic on it.
- (4) Street width and curbing. See Table 2.

- (5) Shoulders. When curbing is not required, two foot (2') wide stabilized shoulders shall be provided on both sides of the cartway.
- (6) Culs-de-sac and stub streets. A street intersecting a through street at one (1) end and terminating at the other in a vehicular turnaround.
  - (a) Dead-end streets, cul-de-sac streets and eyebrows are prohibited except at the discretion of the Board of Supervisors.
  - (b) Stub streets will be permitted only within subsections of a phased development as a temporary cul-de-sac.
  - (c) A cul-de-sac or stub street shall not be in excess of eight hundred feet (800') long and shall have a minimum length of two hundred fifty feet (250').
  - (d) A cul-de-sac shall not furnish access to more than twenty (20) single-family units.
  - (e) A paved area with a minimum outside turning radius of forty feet (40') shall be provided at the terminus of every permanent cul-de-sac. Turnarounds shall be privately owned and shall not be square in shape.
  - (f) The maximum length is measured from the right-of-way line of the intersecting through street to the center of the turnaround.
  - (g) Drainage of culs-de-sac shall, when possible, be towards the open end.
  - (h) A temporary cul-de-sac shall be designed so that the cartway is widened to a fifty foot (50') width for a distance of seventy five feet (75') at the turnaround. It shall be the developer's responsibility to remove the temporary paving and treat it as determined by the Township.
- (7) Single-access street. A street with only one (1) point of intersection with a through street but where the street continues around and intersects with itself. Lots or dwelling units may be located in the island created by this street configuration.
  - (a) The maximum ADT at the intersection with the through street shall be two hundred (200).
  - (b) The distance from the right-of-way line of the through street to the point where the single-access street intersects itself shall not exceed four hundred feet (400').

- (8) Engineering criteria. All features of the geometric design of residential access streets that are not specified below shall be designed for a design speed of twenty five (25) miles per hour.
  - (a) Minimum grade: one percent (1%).
  - (b) Maximum grade: ten percent (10%).
  - (c) Horizontal curvature: minimum center-line radius of one hundred (100) feet.
  - (d) Minimum tangent length between reverse curves: fifty (50) feet.
  - (e) Stopping sight distances: one hundred seventy five (175) feet minimum.
  - (f) Maximum grade within fifty (50) feet of intersection: four percent (4%).

H. Residential subcollector.

- (1) Residential subcollector street. This is the middle order street in the hierarchy. It will carry more traffic than the residential access street. It should provide an acceptable if not an optimum environment for a residential neighborhood.
- (2) Service restrictions.
  - (a) No subcollector street shall be designed so that any section of it conveys a traffic volume greater than five hundred (500) ADT.
  - (b) Subcollector streets shall be designed to exclude all external through traffic which has neither origin nor destination on the subcollector or its tributary residential access streets.
- (3) Street access. Every subcollector must be provided with no fewer than two (2) access intersections to a street of higher classification in the streets hierarchy, namely existing or proposed collector roads or arterial highways, if the total traffic volume exceeds five hundred (500) ADT on the street. For subcollector streets designed not to exceed five hundred (500) ADT, a subcollector with one (1) access intersection to a street of higher order is allowed. In no case shall a subcollector end in a cul-de-sac.
- (4) Street width and curbing. Refer to Table 2.<sup>lviiEN</sup>
- (5) Shoulders. When curbing is not required, two foot (2') wide stabilized shoulders shall be provided on both sides of the cartway.
- (6) Moving lanes. All subcollector streets shall be provided with two (2) continuous moving lanes within which no parking is permitted.

- (7) Engineering criteria. All features of the geometric design of subcollector streets that are not specified below shall be designed for a design speed of thirty (30) miles per hour:
  - (a) Minimum grade: one percent (1%).
  - (b) Maximum grade: seven percent (7%).
  - (c) Horizontal curvature: minimum center-line radius of one hundred forty (140) feet.
  - (d) Minimum tangent length between reverse curves: one hundred (100) feet.
  - (e) Stopping sight distance: two hundred (200) feet minimum.
  - (f) Maximum grade within fifty (50) feet of intersection: four percent (4%).

I. Residential collector.

- (1) Residential collector street. This is the highest order street that could be classed as residential. It will carry the largest volume of traffic at higher speeds. In large residential developments, this class of street may be necessary to carry traffic from one neighborhood to another or from the neighborhood to streets connecting to other areas in the community. This level of street is unsuitable for providing direct access to homes and such access to homes should be avoided.
- (2) Service restrictions.
  - (a) Provision of a residential collector street system is mandated whenever any proposed development is of sufficient magnitude to render it impossible to meet the maximum anticipated service volume (ADT) standards established for local access and subcollector streets. Generally, a nonfrontage collector may be necessary whenever a development exceeds one hundred fifty (150) dwelling units, or when it carries external through traffic in addition to traffic generated by the development.
  - (b) Residential collectors shall be laid out to discourage excessive external through traffic, except where linkage between bordering streets may be determined to be desirable as indicated in the Township Comprehensive Plan or by the Township during plan review. The Township may impose additional standards on the design of the street, if additional external through traffic shall so warrant.

- (c) Whenever possible, residential collector streets should be designed to have no residential lots directly fronting on them. When this is not possible, the amount of residential frontage per length of collector street length shall not exceed the limits set forth in the accompanying chart. In addition, only lots having frontages of one hundred feet (100') or greater may front on residential collector streets.

<b>Collector ADT Level</b>	<b>Percent of Allowable Frontage Taking Access from Collectors Over Entire Length of Collector Street</b>
1,000 to 1,199	20%
1,200 to 1,599	10%
1,600 to 1,999	5%
2,000+	None

- (3) Street access. Every residential collector must be provided with no fewer than two (2) access intersections to streets of equal or higher classification in the street hierarchy.
- (4) Street width and curbing. Curbs should not be provided along residential collector streets except as they are found to be essential for stormwater management. (Refer to Table 2.<sup>lviiiEN</sup>)
- (5) Shoulders. Four foot (4') wide stabilized shoulders are required along both sides of the residential collector street cartway.
- (6) Moving lanes. All industrial/commercial streets shall be provided with a minimum of two (2) moving lanes.
- (7) On-street parking shall be prohibited on residential collector streets.
- (8) Engineering criteria. All features of the geometric design of residential collectors that are not specified below shall be designed for a design speed of forty (40) miles per hour.
- (a) Minimum grade: one percent (1%).
  - (b) Maximum grade: seven percent (7%).
  - (c) Horizontal curvature: minimum center-line radius of three hundred fifty (350) feet.
  - (d) Minimum tangent length between reverse curves: one hundred fifty (150) feet.
  - (e) Super-elevation: eight-hundredths (0.08) foot/foot.



- (f) Stopping sight distance: two hundred seventy five (275) feet.
- (g) Maximum grade within fifty (50) feet of intersection: three percent (3%).

**§ 440-412. Special purpose streets.**

A. Industrial/commercial streets.

- (1) Street access. Special purpose streets may only intersect existing streets.
- (2) Cartway width, right-of-way, and curbing. A minimum paved cartway width of twenty six feet (26') with curbing and a sixty foot (60') right-of-way is required if on-street parking is prohibited. A minimum paved cartway width of forty four feet (44') with curbing and a seventy foot (70') right-of-way is required if on-street parking is allowed.
- (3) Moving lanes. All industrial/commercial streets shall be provided with a minimum of two (2) continuous moving lanes in which no parking is permitted.
- (4) Engineering criteria. All features of the geometric design of an industrial/commercial street specified below shall be designed for a design speed of thirty (30) miles per hour to be able to accommodate truck traffic.
  - (a) Minimum grade: one percent (1%).
  - (b) Maximum grade: five percent (5%).
- (5) Dedication. The Township reserves the right to refuse dedication of a special purpose street. An appropriate legal mechanism for ownership and maintenance will be required where the streets are not accepted for dedication.

**§ 440-413. Marginal access streets.**

- A. Classification and design. Marginal access streets are required, unless specifically waived by the Township, as an alternative to stripping off lots along existing or proposed arterial or collector streets. Marginal access roads shall be classified and designed to conform with the design standards and service restrictions of either residential access, subcollector or collector streets.
- B. Intersection spacing. The minimum distance between intersections of the marginal access street with residential collectors shall be three hundred feet (300') and with primary streets shall be three hundred seventy feet (370').

- C. Distance between cartways. A minimum distance of thirty feet (30') shall be provided between the marginal access street cartway and the higher order street cartway. This area shall be used to provide a visual screen between the roadways by landscaping or by use of a berm. The design and layout of berms and of plantings shall not interfere with the clear sight triangle.

**§ 440-414. Alleys.**

Alleys are prohibited in the Township.

**§ 440-415. Driveways.**

A. Driveways to single-family lots and to attached housing units:

- (1) Driveways shall be located no less than forty feet (40') from any street intersection. Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two (2) different classifications as described herein.
- (2) For collector and higher order streets, there shall be adequate driveway turnaround space on each lot so that no car need back out onto a street in order to leave the lot.
- (3) Driveways shall be so located, designed and constructed as to provide a reasonable sight distance at intersections with a stopping space, not to exceed a four percent (4%) grade, twenty feet (20') behind the right-of-way line.
- (4) All driveways shall be at least twelve feet (12') from any side or rear lot line for single-family lots and five feet (5') from any side or rear lot line for attached housing units. Common use of driveways by adjacent landowners is encouraged, and in the case of a common driveway this requirement does not apply.
- (5) All driveways shall be designed to accommodate two automobiles on lot in a side-by-side manner.
- (6) For properties abutting curbed and uncurbed streets, the following standards shall apply to the driveway apron at the street line:
  - (a) Minimum curb cut or driveway width at the street line: ten (10) feet.
  - (b) Maximum curb cut or driveway width at the street line: twenty (20) feet.
- (7) Each single-family lot or attached housing unit shall have only one (1) curb cut along its street frontage.

B. Access to parking areas.

- (1) All entrance drives serving four (4) or less dwelling units shall, at a minimum, be designed to single-family driveway standards above.
- (2) All entrance drives which may be expected to convey less than two hundred (200) ADT volume and serving five (5) or more dwelling units shall be laid out to conform to the design, service and access standards established in this chapter for local access streets and shall be considered a local access street for purposes of establishing the street hierarchy.
- (3) All entrance drives which may be expected to convey greater than two hundred (200) ADT but less than one thousand (1,000) ADT volume shall be laid out to conform to the minimum design, service and access standards specified in this chapter for residential subcollector streets and shall be considered a residential subcollector street.
- (4) All entrance drives which may be expected to convey greater than one thousand (1,000) ADT volume shall be laid out to conform to the minimum design, service and access standards specified in this chapter for residential collector streets.
- (5) In addition to the above standards, all entrance drives shall be located in accordance with the recommendations of Access Management for Streets and Highways, U.S. Department of Transportation, June 1982.

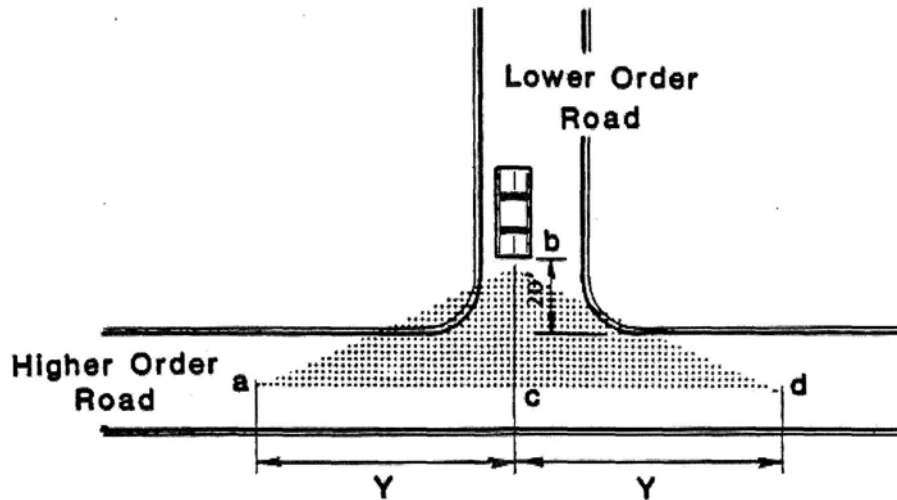
**§ 440-416. Intersections.**

A. Corner sight distance (clear sight triangle).

- (1) Whenever a proposed street intersects an existing or proposed street of higher order in the street hierarchy, the street of lower order shall be made a stop street. The street of lower order shall also be designed to provide a minimum corner sight distance as specified in the accompanying chart:

<b>Y</b>	= Corner sight distance, measured from point "a" to point "c" and point "c" to point "d"
<b>a and d</b>	= A point three and one-half (3.5) feet above the center line of the major roadway
<b>b</b>	= Eye level from a car stopped at the intersection on the minor road; for this chapter, "b" is situated three and one-half (3.5) feet above the roadway twenty (20) feet from the edge of paving of the major road
<b>c</b>	= Approximate center of intersection of two streets

Figure 1



Shaded area represents clear sight triangle.

Minimum Corner Sight Distance "Y"	
Major Road Type/Design Speed	Y (feet)
Existing street/50 mph	500
Existing street/40 mph	400
Residential collector/35 mph	350
Residential subcollector/30 mph	300
Residential access/25 mph	250

- (2) The entire area of the clear sight triangle, described by points "a," "b" and "c" above, shall be designed to provide an unobstructed view across it from point "b" to all points three and one-half feet (3.5') above the cartway along the center line from point "a" to points "c" and "d."
- B. Curb radius. Minimum curb or edge of pavement radius shall be determined according to the specifications for the street of higher classification in the street system hierarchy, as specified below:
- (1) Residential subcollector: twenty (20) feet.
  - (2) Residential collector: thirty (30) feet.
  - (3) Existing streets: forty (40) feet.

- C. Intersection spacing. Proposed streets which intersect opposite sides of another street (either existing or proposed) shall be laid out to intersect directly opposite each other or, at the discretion of the Board of Supervisors, with a minimum offset or spacing measured from center line to center line as specified below.

Major Road Type	Spacing (in feet)
Existing	1,600
Residential collector	300
Residential subcollector	125
Residential access	NA

- D. Intersection angle. Intersecting streets shall intersect at a ninety degree (90°) angle for a minimum of fifty feet (50') beyond the intersection of the right-of-way lines.
- E. Turning lanes. Deceleration or turning lanes may be required by the Township along existing and proposed collector and/or arterial roads whenever these intersect other collector or primary roads.

- (1) Deceleration or turning or merging lanes may be required by the Township along existing and proposed streets as determined by a traffic impact study required by § 440-303D(7).
- (2) Deceleration lanes shall be designed to the following standards:
  - (a) The lane width shall be the same as the required width of the roadway moving lanes.
  - (b) The lane shall provide the full required lane width for its full length. It shall not be tapered.
  - (c) The minimum lane length shall be as follows:

Design Speed of Road (mph)	Minimum Deceleration Lane Length (feet)
30	165
40	230
50	310

**§ 440-417. Street trees.**

**[Amended 12-1-1992 by Ord. No. 92-13; 3-1-1994 by Ord. No. 94-02]**

- A. Street trees shall be planted along all streets where suitable street trees do not exist and where existing conditions warrant the planting of street trees.

- B. Large trees shall be planted at intervals of not more than forty feet (40'), and small trees shall be planted at intervals of not more than twenty five feet (25').
- C. Street trees shall be planted five feet (5') behind and parallel to the future right-of-way line. A ten foot (10') wide landscaping easement shall be incorporated into the plan to accommodate the planting of the trees. The easement shall be measured from the future right-of-way line.
- D. At intersections, street trees shall be located no closer than thirty feet (30') from the intersection of the street right-of-way lines.
- E. Street trees shall be staggered on opposite sides of the street.
- F. The minimum trunk diameter, measured at a height of six inches (6") above the finished grade level, shall be two and one half inches (2.5") for large and small trees.
- G. Street trees shall be of nursery stock. They shall be of symmetrical growth, free of insects, pests and disease. All plant material shall conform to the applicable standards of the American Association of Nurserymen. These standards include but are not limited to caliper, height, spread and root ball size.
- H. In particular, approved trees include the following:

**Small Trees**

Acer campestre -- Hedge maple  
Acer ginnala -- Amur maple\*  
Crataegus x lavalleyi -- Lavelle hawthorn\*  
Crataegus phaenopyrum -- Washington hawthorn\*  
Crataegus viridis "winter king" -- "Winter king" hawthorn\*  
Koelreuteria paniculata -- Golden raintree  
Malus baccata f. columnaris -- Upright siberian crabapple\*  
Malus floribunda -- Japanese crabapple\*  
Malus baccata "snowdrift" -- "Snowdrift" crabapple\*  
Prunus serrulata "kwanzan" -- "Kwanzan"  
Flowering cherry

**Large Trees**

Acer platanoides -- Norway maple  
Acer rubrum -- Red maple  
Fraxinus americana -- White ash  
Fraxinus pennsylvanica lanceolata -- Green ash  
Ginko biloba -- Ginko (male only)  
Gleditsia triacanthos inermis -- Thornless honeylocust  
Liquidambar styraciflua -- Sweet gum  
Phellodendron amurense -- Amur cork tree  
Pyrus calleryana bradford -- Bradford callery pear

Quercus alba -- White oak  
Quercus borealis -- Red oak  
Quercus coccinea -- Scarlet oak  
Sophora japonica -- Japanese pagoda tree  
Tilia -- Linden (all species hardy to the area)  
Zelkova serrata -- Japanese zelkova

**NOTE:**

\* Must be of the nursery stock trained for street tree use,  
i.e., single trunk with branching height six feet (6') or greater.

- (1) Upon approval of the Planning Commission, other species may be utilized.
- I. Where planted median strips are incorporated into a subdivision or land development plan, only low maintenance plant material shall be used.
- J. The location and type of street trees and the location of streetlights shall be indicated on a plot plan for individual properties prior to agreement of sale of a lot. These elements shall also be described in the deed for individual lots.

**§ 440-418. Street signs.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Street signs shall be of an approved vandalproof design and shall be consistent in design and specification with those in general use by the Township.
- B. The signs shall be located in a manner making them visible at all times with a minimum of effort by both pedestrian and vehicular traffic and as close to the side of the cartway or curb as practical but no part of the nameplate shall be permitted to overhang any part of the cartway or curb.
- C. Street nameplates, standards, installations and locations shall be subject to the approval and inspection of the Township Engineer(s).
- D. The installation of all traffic control signs, equipment or devices required within the subdivision or land development and along the frontage shall be shown on the plan, approved by the Pennsylvania Department of Transportation or Middletown Township, where required, and installed at the cost of the developer.

**§ 440-419. Sidewalks.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Sidewalks shall be provided where required by the Township.

- B. The minimum width of all sidewalks shall be four feet (4'). There shall be a minimum seven foot (7') wide planting strip between the curb and the sidewalk along streets. The minimum width of a combination sidewalk and curb shall be six feet (6').
- C. The grades and paving of the sidewalk shall be continuous across driveways except in nonresidential and high-density residential developments and in certain other cases where heavy traffic volume dictates special treatment.
- D. Sidewalks shall be constructed in accordance with the Middletown Township Specifications and Design Standards for Streets and Roads.
- E. Sidewalk and accessible route cross slopes shall be in accordance with current ADA requirements. [Amended 6-6-2006 by Ord. No. 06-10]
- F. At corners and pedestrian street crossing points, sidewalks shall be extended to the curbline with an adequate apron area for anticipated pedestrian traffic.
- G. The grades of sidewalks and accessible routes shall be in accordance with current ADA requirements. Where steps or a combination of steps and ramps are utilized to maintain maximum permitted grades, they must be constructed in accordance with current ADA standards as well. [Amended 6-6-2006 by Ord. No. 06-10]
- H. In addition to the preceding requirements, all sidewalks shall provide ramps for adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs at all pedestrian crosswalks. These facilities shall be constructed in accordance with the chapter titled "Pedestrian Facilities" of the PennDOT Manual, Part 2, or any amendments thereto.

**§ 440-420. Curbs.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

All curbs shall be constructed in accordance with Middletown Township Specifications and Design Standards for Streets and Roads.

**§ 440-421. Automobile parking facilities.**

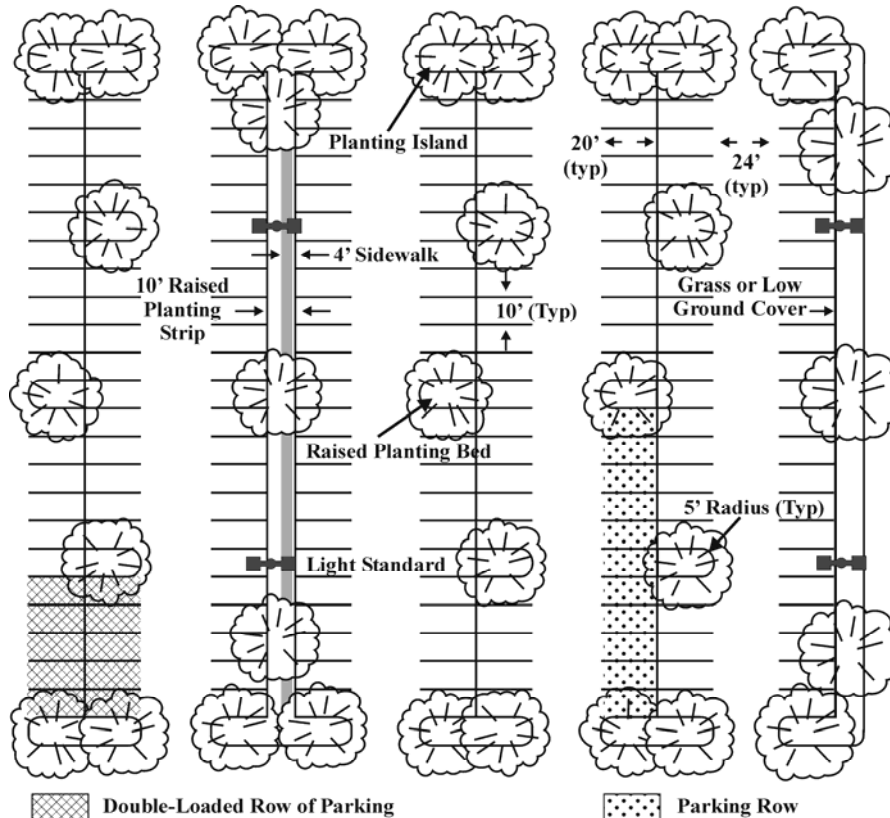
**[Amended 12-1-1992 by Ord. No. 92-13; 2-11-1997 by Ord. No. 97-02]**

- A. A parking space is a paved stall or berth covered or uncovered for parking motor vehicles, excluding space(s) within a public cartway. Parking facilities shall be provided off street in accordance with the requirements of the Middletown Township Zoning Ordinance (Chapter 500) and this chapter. Use of any parking space for any other purpose is prohibited.



- B. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle(s).
- C. At no time shall angle or perpendicular parking be provided along public or private streets. All parking lots and bays permitting parking other than parallel shall be physically separated from the street and confined by curbing or other suitable separating device.
- D. Vehicles shall not be permitted to exit parking spaces by backing into a public street. Access areas shall be designed so as to allow vehicles to enter a public street in a forward direction.
- E. The design standards specified below shall be required for all off-street parking facilities with a capacity of three (3) or more vehicles. Refer to Figure 2 below.
  - (1) No one (1) row of off-street parking spaces shall exceed twelve (12) spaces. Raised planting beds shall be at intervals not to exceed twelve (12) spaces with beds offset on alternating sides of parking rows. Planting islands shall be located at each end of a parking row.
  - (2) Raised planting beds shall be planted with one (1) shade tree (from the approved street tree list) per bed.

**Figure 2**



- (3) Where necessary for vehicular channelization and where determined necessary by the Board of Supervisors for pedestrian safety, a double-loaded row of parking spaces shall include a ten foot (10') wide raised planting strip. The planting strip shall have raised planting beds only at each end of the parking row. The planting strip shall include a sidewalk, light standards and trees. The location of light standards and trees shall not interfere with each other.
- (4) The edge of any parking area shall not be closer than fifteen feet (15') to the outside wall of the nearest building. This area shall be used for sidewalks to entryways and foundation plantings.
- (5) Design standards for parking stalls shall not apply where the primary purpose is that of vehicle storage related to sales, service or other use. Unless otherwise specified, parking areas shall conform to the following minimum dimensional standards based upon their intended function. [Amended 6-6-2006 by Ord. No. 06-10]

Type	Aisle Width		Stall Width (feet)	Stall Depth ** (feet)
	One-Way (feet)	Two-Way (feet)		
Conventional	20	24	9 ***	18 ***
Handicapped	20	24	In accordance with current ADA requirements	
Oversized *			(As determined by the Township)	

**NOTES:**

- \* Including, but not limited to, recreational vehicles, tandem trailers, trucks and buses.
- \*\* Stall depth shall be measured from the curb or the tire stop
- \*\*\* Or as prescribed in the Middletown Township Zoning Ordinance (Chapter 500).

- (6) The number of parking spaces for handicapped or physically disabled persons shall be provided for in accordance with current ADA requirements.
  - (a) In order to provide for flexibility in parking lot design and layout, angle parking may be appropriate in certain instances. Where angle parking is utilized, the width of stalls for various types of parking uses shall remain consistent with the minimum dimensions established for each, while the depth of stall and width of aisles may vary as follows:

Angle of Parking	Aisle Width Variation (in feet)		Stall Depth Variation (in feet)
	One-Way	Two-Way	
90°	0	0	0
60°	-2	-3	+1
45°	-5	-4	0
30°	-8	-4	-2

- (7) All dead-end parking areas shall be designed to provide sufficient area for backing and turning movements from the end stalls of the parking area.
- (8) No less than a five foot (5') radius of curvature shall be permitted for all curblines in all parking areas.
- (9) Except at entrance and exit drives, all parking areas shall be set back from the future right-of-way line and all property lines at least fifteen feet (15') or as required by the Middletown Township Zoning Ordinance (Chapter 500) (the greater provisions shall prevail). The distance between this required setback and the cartway shall be maintained as a planting strip.
- (10) All automobile parking areas shall be paved and constructed in accordance with the Middletown Township Specifications and Design Standards for Streets and Roads, except single-family residential dwellings.
- (11) The depth and width of parking areas reserved or laid out for commercial and industrial uses shall be appropriate to those uses.
- (12) The layout of every parking area shall be such as to permit safe and efficient internal circulation, in accordance with accepted traffic engineering principles and standards, including truck traffic where applicable.
- (13) Entrances and exits to and from off-street parking areas shall be located so as to avoid interference with street traffic.
- (14) Every off-street parking area shall include sufficient stacking space to accommodate entering and exiting vehicles without overflowing into adjacent streets or service roadways.
- (15) Wherever possible the layout of parking aisles and rows shall be perpendicular to building facades to facilitate channelization of pedestrian movements.
- (16) For the purpose of servicing any property held under single and separate ownership, entrance and exit accessways crossing the street line shall be limited to one (1) accessway along the frontage of any single street. Unless and only if one (1) accessway is impracticable in the judgment of the Board

of Supervisors, two (2) accessways shall be permitted along the frontage of any single street, and the center lines of the two (2) accessways shall be spaced at least eighty (80') apart. On all corner properties, there shall be a minimum of sixty feet (60'), measured at the curblin, between the center line of any entrance or exit accessway and the street line of the street parallel to said accessway.

- (17) Access drives shall be at least twelve feet (12') from any side property line, except for the additional requirements in buffer yards. If a shared access or agreement or common driveway situation exists, this requirement shall not apply.
  - (18) Where necessary in the judgment of the Board of Supervisors, concrete tire bumpers shall be installed so as to prevent vehicle overhang on the sidewalk area.
  - (19) Parking and display areas along arterial and collector roads shall be set back at least thirty feet (30') from the future right-of-way of said road in order to accommodate acceleration and deceleration lanes and marginal access roads. Where automobile sales is the primary use of a parcel, parking and display areas shall be set back at least fifteen feet (15') from the future right-of-way.
- F. Lighting. Parking areas for all nonresidential uses and multifamily residential developments shall be lighted. All artificial lighting used to illuminate any parking area shall be so designed that no direct rays shall fall upon any neighboring property or street. A minimum level of one footcandle of light shall be maintained. Lighting standards shall be located not less than two feet from the paving of parking spaces, drives or streets.
  - G. Parking lots with less than twenty (20) spaces shall not have a grade exceeding five percent (5%). Parking lots with twenty (20) or more spaces shall not have a grade exceeding three percent (3%). Any grade, cut, fill or height exceeding four feet (4') shall be subject to approval of the Board of Supervisors.
  - H. All parking areas shall have at least one (1) tree of one and one-half inch (1½") caliper minimum for every six (6) parking spaces in single rows and one (1) tree of one and one-half inch (1½) caliper minimum for every twelve (12) parking spaces in double-loaded rows of parking spaces. Trees shall be planted in such a manner as to afford maximum protection from the sun for parked vehicles. The requirements of § 440-421(E) above may be used to fulfill this requirement.
  - I. All parking spaces shall be marked with a four inch (4") wide painted line so that individual spaces are identifiable.
  - J. Curbs or tire stops shall be designed for the protection of planting strips and to prevent overhanging of pedestrian walks. Curbs shall be designed to accommodate handicapped persons.

**§ 440-422. Mobile home parks.**

- A. In addition to the requirements of this article, all proposed mobile home parks shall comply with the following articles of this chapter: Articles III, V and VI.
- B. The development plan for a mobile home park shall comply with the Middletown Township Zoning Ordinance (Chapter 500).
- C. Pedestrian walks.
  - (1) General requirements. All parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for intended use, durable and convenient to maintain, between the park streets and all community facilities provided for park residents. Sudden changes in vertical alignment or gradient shall be prohibited.
  - (2) Common walk system. Where pedestrian traffic is concentrated, a common walk system shall be provided, such common walks shall have a minimum width of three and one-half feet (3½’).
  - (3) Individual walks. All mobile home sites shall be connected to common walks and to streets or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two and one-half feet (2½’) feet.
- D. Skirting and hitching.
  - (1) An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
  - (2) The hitch which is employed for the normal movement of the unit shall be removed.
- E. Refuse collection.
  - (1) Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
  - (2) Collection stations shall be located so as to be separated adequately from habitable units to avoid being offensive but at the same time be convenient for both collectors and residents, and shall be screened and landscaped adequately.

**§ 440-423. Open space in subdivisions, residential developments and mobile home parks.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. All subdivisions, multifamily residential land developments and mobile home parks shall meet the open space requirements of this chapter and of the Middletown Township Zoning Ordinance (Chapter 500). A performance bond or other security in accordance with this chapter may be required to cover the costs of installation of designated planting and recreation facilities.
- B. The applicant shall provide monuments to physically delineate private lots from open space areas.
- C. All land held for open space shall be so designated on the plans. The plans shall contain the following statement for lands in Subsection C(1), (2) or (3) below: "Open space land may not be separately sold, nor shall such land be further developed or subdivided." All plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:
  - (1) Lawn. A grass area with or without trees which may be used by the residents for a variety of purposes and which shall be mowed regularly to ensure a neat and tidy appearance.
  - (2) Natural area. An area of natural vegetation undisturbed during construction or replanted. Such areas may contain pathways. Meadows shall be maintained as such and not left to become weed-infested. Maintenance may be minimal but shall prevent the proliferation of weeds and undesirable plants such as honeysuckle and poison ivy. Litter, dead trees and brush shall be removed, and streams shall be kept in free-flowing condition.
  - (3) Recreation area. An area designated for a specific recreation use, including but not limited to tennis, swimming, shuffleboard, playfield and tot-lot. Such areas shall be maintained so as to avoid creating a hazard or nuisance and shall perpetuate the proposed use.
  - (4) Stormwater management. Stormwater detention or retention basins shall not be included as areas designated for open space.
- D. Any of the following methods may be used to preserve, own or maintain open space: condominium, homeowners' association, dedication in fee simple, or transfer to a private conservation organization. The following specific requirements are associated with each of the various methods.

- (1) Condominium. The open space may be controlled through the use of condominium agreements. Such agreements shall be in conformance with the Pennsylvania Uniform Condominium Act. All open space land shall be held as common element. Such land shall not be eligible for sale to another party except for transfer to another method of ownership permitted under this section, and then only where there is no change in the open space ratio.
- (2) Homeowners' association. The open space may be held in common ownership by a homeowners' association. This method shall be subject to all of the provisions for homeowners' associations set forth in Article VII of the Pennsylvania Municipalities Planning Code. A homeowners' association shall not be disbanded without the consent of the Township.
- (3) Fee simple dedication. The Township may, but shall not be required to, accept any portion or portions of the open space provided: a) Such land shall be freely accessible to the public; b) there shall be no cost to the Township involved; c) the Township agrees to and has access to maintain such lands; and d) the open space shall be in an acceptable condition to the Township at the time of transfer with regard to size, shape, location, improvements, and environmental integrity.
- (4) Transfer to a private conservation organization. With permission of the Township, an owner may transfer either the fee simple title, with appropriate deed restrictions running in favor of the Township, or easements to a private, nonprofit organization, among whose purposes is to conserve open space land and/or natural resources, provided that: a) the organization is acceptable to the Township and is a bona fide conservation organization with perpetual existence; b) the conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and c) a maintenance agreement acceptable to the Township is entered into by the developer and the organization.

**§ 440-424. Recreation areas and community facilities.**

**[Amended 12-17-1991 by Ord. No. 91-35]**

- A. Where deemed essential by the Board of Supervisors, upon consideration of the particular type of development proposed; the Board of Supervisors may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for schools, parks, other neighborhood purposes and recreation areas.

- B. The following standards shall apply to the provisions of recreation space and community facilities. [Amended 5-29-2007 by Ord. No. 07-07]
  - (1) All residential development, including multifamily and cluster developments, shall provide a minimum of one thousand five hundred (1,500) square feet per residential dwelling unit. This open space requirement is in addition to any open space required under the Zoning Ordinance (Chapter 500).
- C. Any residential subdivision or land development plan, whether for single-family or multifamily, that contains less than thirty (30) dwelling units may be exempted at the option of the Board of Supervisors from the provision of the offer of dedication as provided for in this chapter.
- D. The recreational activities and/or facilities for which the area is intended must be specified on the development plans.
- E. Recreation areas shall be readily accessible to all development residents or, in the case of recreation areas dedicated to the Township, shall be easily and safely accessible to the general public. At least one (1) side of the recreation area shall abut a street for a minimum distance of fifty feet (50') for access of emergency and maintenance vehicles. Measures must be taken to ensure that unsafe conditions will be avoided when recreation areas are adjacent to streets or parking lots.
- F. The configuration of the recreation area must be able to accommodate recreation activities proposed by the development plans. The required minimum area shall not include narrow or irregular pieces of land which are remnants from plotting and/or street and parking areas. Recreational areas shall have an appropriate area for access and a minimum area of forty five thousand (45,000) square feet.
- G. Recreation areas shall not be traversed by utility easements unless said utilities are placed underground and no part of them or their supportive equipment protrudes above ground level.
- H. The following may not be located in recreation areas: storm drainage facilities, sewage treatment or disposal facilities of any type, water storage tank, well pump house, and any similar use or other use which is not related to or associated with recreation.
- I. Active recreation areas shall be located in such a location that the use of the facility will not be a nuisance to the residents of nearby dwelling units.
- J. Dedication to the Township.
  - (1) In a case where the developer does not wish to retain the required recreation area or open space, or it is not accepted by an approved conservation organization, such area may be dedicated to the Township for public use.



- (2) Before approving any site to be dedicated to the Township for recreational areas and open space, the Board of Supervisors shall seek the advice of the Township Park and Recreation Board and the Township Planning Commission.
- (3) Such area dedicated to the Township for public use shall be suitable for recreational purposes or open space by reasons of size, shape, location, topography and access.
- (4) If the Board of Supervisors deems it to be in the public interest to accept in dedication land for recreational purposes and open space purposes, such acceptance shall be by adoption of a resolution or ordinance of the Board of Supervisors and acceptance of a deed of dedication from the developer, and in addition thereto, the developer shall contribute to the Township a sum of money to be determined by resolution of the Board of Supervisors. Said sum shall be deposited in a special maintenance account by the Township and shall be used only for the purpose of developing and maintaining dedicated land within the Township. In addition, where the Board of Supervisors has deemed it to be in the public interest to accept in dedication land for recreational purposes and open space purposes, the developer shall contribute to the Township a sum of money to be determined by resolution of the Board of Supervisors. Said sum shall be deposited in a special capital reserve account by the Township and shall be used only for the purpose of acquisition of land or capital improvements for park and recreation purposes.
- (5) If the Board of Supervisors deems it to be in the public interest to accept in dedication land for drainage detention or retention purposes, such acceptance shall be by adoption of a resolution or ordinance of the Board of Supervisors and acceptance of a deed of dedication from the developer, and in addition thereto, the developer shall contribute to the Township a sum of money to be determined by resolution of the Board of Supervisors. Said sum shall be deposited in a special maintenance account by the Township and shall be used only for the purpose of maintaining dedicated land within the Township.

K. Fee in lieu of open space or recreation areas.

- (1) Where the Board of Supervisors agrees that, because of the size, shape, location, access, topography or other physical features of the land or any other need of the Township, it is impractical to dedicate land to the Township or set aside a recreation area or open space area as required by this chapter, the Supervisors shall require a payment of a fee in lieu of dedication of such land from the developer, which shall be payable to the Township prior to approval of each final section of the overall plan by the Board. Such fee shall be calculated by multiplying the number of dwelling units in each section by the fee per dwelling unit.

- (2) The amount of the fee shall be determined by resolution of the Board of Supervisors, which may be equivalent to the fair market value of this land.
- (3) All moneys paid to the Township pursuant to this chapter shall be kept in a capital reserve fund. Moneys in such fund shall be used only for the acquisition of land or capital improvements for park and recreation purposes.

**§ 440-425. Multifamily residential developments.**

In addition to all other applicable provisions of this chapter, multifamily residential developments are subject to the following requirements:

- A. Preliminary approval of the site plan must be obtained for the entire proposed multifamily development. Final approval may be obtained section by section, but such development sections shall be specified on the preliminary plan and must be numbered in the proposed order that they are to be developed. Such order of development must be adhered to, and if changes are required, plans must be re-filed and reviewed and approved.
- B. Arrangement of buildings and facilities.
  - (1) All of the elements of the site plan should be organized harmoniously and efficiently in relation to topography, the size and shape of the plot, the character of the adjoining property, and the type and size of the buildings, in order to produce a usable and efficient land use pattern.
  - (2) Arrangements of buildings should be in favorable relation to the natural topography, existing desirable planting, bodies of water, views within and beyond the site, and exposure to the sun and other buildings on the site.
- C. Access and circulation.
  - (1) Access to the dwellings and circulation between buildings and other important project facilities for vehicular and pedestrian traffic shall be comfortable and convenient for the occupants.
  - (2) Access and circulation for fire-fighting and other emergency equipment, moving vans, fuel trucks, garbage collection, deliveries and snow removal shall be planned for efficient operation and convenience.
  - (3) Walking distance from the main entrance of a building to a street, driveway or parking area shall usually be less than one hundred feet (100'); any exception to this standard should be reasonably justified by compensating advantages, such as desirable views and site preservation through adaptation to topography. In no case shall the distance exceed two hundred feet (200').

- D. Yards. Yards shall assure adequate privacy, desirable outlook, adequate natural light and ventilation, convenient access to and around the dwellings, and other essential uses.
- E. Grading.
- (1) Grading shall be designed for buildings, lawns, paved streets and other facilities, to assure adequate surface drainage, safe and convenient access to and around the buildings and for the screening of parking and other service areas and the conservation of desirable existing vegetation and natural contours of the land.
  - (2) Grading around buildings shall be designed to be in harmony with natural topography and to minimize earthwork.
- F. Streets.
- (1) Streets shall be provided on the site where necessary to furnish principal trafficways for convenient access to the living units and other important facilities on the property.
  - (2) Streets shall conform to the design requirements and specifications of this chapter.
- G. Driveways.
- (1) Driveways shall be provided on the site where necessary for convenient access to the living units, garage compounds, parking areas, service entrances of buildings, collection of refuse, and all other necessary services. Driveways shall enter public streets at safe locations.
  - (2) Driveways shall be planned for convenient circulation suitable for traffic needs and safety.
  - (3) All driveways shall be constructed and paved in a manner acceptable to the Township.
- H. Parking areas.
- (1) Paved parking areas shall be provided to meet the needs of the residents and their guests without interference with normal street traffic.
  - (2) Parking areas shall conform to the standards and requirements of this chapter and those of the Zoning Ordinance (Chapter 500).
- I. Sidewalks.
- (1) Street sidewalks and on-site walks shall be provided for convenience and safe access to all living units from streets, driveways, parking areas or garages and for convenient circulation and access to all facilities.

- (2) Width, alignment and gradient of walks shall provide safety and convenience for pedestrian traffic. Small jogs in the alignment shall be avoided.
- (3) The alignment and gradient of walks shall be coordinated with the grading plan to prevent the passage of concentrated surface water on or across the walk and to prevent the pocketing of surface water by walks.
- (4) Sidewalks shall be constructed in accordance with the requirements of this chapter.

J. Refuse collection stations.

- (1) Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
- (2) Collection stations shall be located so as to be separated adequately from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be screened and landscaped.

K. Planting. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The requirements of the Middletown Township Zoning Ordinance (Chapter 500) shall be met.

**§ 440-426. Nonresidential developments.**

- A. Additional width of streets adjacent to areas proposed for nonresidential use may be required as deemed necessary by the Board of Supervisors to assure the free flow of through traffic unimpeded by vehicles entering or leaving parking areas.
- B. The access requirements of § 440-415(B) of this chapter shall be met.
- C. For commercial uses, the developer may be required to provide separate access for service vehicles and loading areas from the vehicular accessways and parking areas intended for patron use. This may be accomplished by using a separate access point for service vehicles to move from the road to the loading area. The applicant may also be required to screen the loading area when deemed necessary by the Township.
- D. Dead-end streets, cul-de-sac streets and eyebrows are prohibited, except at the discretion of the Board of Supervisors. If they are permitted, they shall be terminated with a paved turnaround consistent with this chapter.

- E. Adjacent residential areas shall be protected from potential nuisance of the proposed nonresidential developments. Buffer yards shall be provided as prescribed in the Middletown Township Zoning Ordinance (Chapter 500).
- F. Streets carrying nonresidential traffic shall not be extended to the boundaries of the adjacent existing or potential residential areas, nor connected to streets intended for predominantly residential traffic.
- G. Parking areas shall be located or designed in such a manner that they are visibly secluded from eye level in any surrounding residential area. Grading to depress the parking area, raised berms, landscaping or fencing are satisfactory methods to create such seclusion.
- H. All area, design and parking requirements shall conform to the Middletown Township Zoning Ordinance (Chapter 500) and this chapter.
- I. Refuse collection for nonresidential developments.
  - (1) Outdoor collection stations shall be provided for garbage and trash removal when indoor collection is not provided.
  - (2) Collection stations shall be located to avoid being offensive and shall be screened from view and landscaped.
  - (3) Collection stations shall not be located in buffer yards.
- J. Off-street loading facilities. Off-street loading facilities shall be designed to conform to the following specifications:
  - (1) Each required space shall be no less than fourteen feet (14') wide, fifty five feet (55') long, and fourteen feet-six inches(14' 6") high, exclusive of drives and maneuvering space, and located entirely on the lot being served.
  - (2) There shall be appropriate means of access to a street as well as adequate maneuvering space.
  - (3) The maximum width of driveways and sidewalk openings measured at the street lot line shall be thirty five feet (35'); the minimum width shall be twentyfeet (20').
  - (4) All accessory driveways and entranceways shall be graded, surfaced and drained to the satisfaction of the Township Engineer, to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways.
  - (5) Such facilities shall be designed and used in such a manner as to at no time constitute a nuisance, a hazard or an unreasonable impediment to traffic.

**§ 440-427. Bikeways.**

- A. Bikeway definitions. As used in this article, the following terms shall have the meanings indicated:

**BICYCLE LANES** -- Bikeways located on the paved surface of a roadway, street or highway or on the shoulder of a roadway, street or highway and are delineated by signs or markings.

**BICYCLE PATHS** -- Bikeways laid out on private property, public right-of-way, or open space and recreational areas.

**BICYCLE ROUTES** -- Bikeways located in the area of a public roadway, street or highway which is specifically designated and marked by appropriate directional and informational signs.

- B. If requested by the Board of Supervisors upon advice of the Township Planning Commission and consultants, subdivision and land development plans shall include bike paths, bike lanes, and bike routes. [Amended 5-29-2007 by Ord. No. 07-07]

- C. Construction standards. All bike paths, bike lanes and bike routes shall be constructed or installed in accordance with the following standards:

(1) Bike paths.

- (a) The near edge of the path shall not be less than five feet (5') from the face of the curb along any street. Where this setback cannot be accomplished, a suitable physical barrier shall be provided.
- (b) The width of the path shall be five feet (5'). The Board of Supervisors may from time to time permit variations in this width and may permit the installation of bicycle paths in lieu of sidewalks.
- (c) Bicycle paths shall as near as possible follow the contour lines of the particular area where the paths are to be installed.
- (d) Curb ramps the same width as the bike path shall be installed to permit the crossing of intersecting streets. Curb ramps shall have a maximum slope of six (6) to one (1) with sides having maximum slope of two (2) to (1) one.
- (e) The vertical clearance from the bicycle path surface to overhead obstruction shall be not less than ten feet (10').
- (f) The bicycle path shall be constructed of four inch (4") aggregate base of either gravel, crushed stone or slag with two inch (2") asphalt surface course.

- (g) All bike paths shall be constructed in such a manner to ensure adequate and proper drainage and to prevent the bike path from being inundated by surface drainage.
- (h) The entire design and construction of the bike paths shall be in accordance with good engineering practice and shall be subject to the approval of the Township Engineer.

(2) Bike lanes.

- (a) A bike lane shall not be installed on roads, streets or highways which have a posted speed in excess of forty five (45) miles per hour.
- (b) The minimum width of the bike lane where no curb is present shall be four feet (4') for one-way bike traffic. When the bike lane is adjacent to a curb, the minimum width shall be five feet (5').
- (c) Bicycle lanes shall be marked with bright paint stripes at least four feet (4') from the outer edge of the pavement and approximately six inches (6") wide.
- (d) Bicycle lanes on state roads shall conform to regulations of the Pennsylvania Department of Highways.
- (e) Where a roadway, street or highway is widened to include a bicycle lane, the added pavement area shall be installed in accordance with the street construction requirements of the Township of Middletown.

(3) Bicycle routes.

- (a) A bicycle route shall not be installed on roads, streets or highways where the posted speed limit is in excess of twenty five (25) miles per hour.
- (b) Where a bicycle route is designated by the Board of Supervisors, the roadway, street or highway shall be painted with symbols or posted with signs designating the bicycle route.

D. Establishing bike lanes and bike routes. The Board of Supervisors may from time to time designate bike lanes and bike routes in accordance with this chapter.

E. Signs and markings. All signs and markings required pursuant to the terms of this chapter shall conform to the standards set forth in the Manual on Uniform Traffic Control Devices, U.S. Government Printing Office (1971), or subsequent amendments.

**§ 440-428. Transportation impact fee.**

**[Amended 12-17-1991 by Ord. No. 91-35; 5-26-1998 by Ord. No. 98-07]**

- A. Title. This section shall be referred to as the "Middletown Township Transportation Impact Fee."
- B. Purpose. The purpose of this section is to establish an impact fee program to ensure that the transportation system is available and adequate to support new growth and development. To advance this objective, there is hereby created an impact fee payable to the Township at the time of building permit issuance.
- C. General findings and conditions. The Board of Supervisors hereby finds and declares that:
- (1) The conditions and standards for the determination and imposition of the impact fee set forth herein are those set forth in Act 209 of 1990,<sup>lix</sup>EN and any and all amendments thereto (hereinafter the "Act"), and consist of:
    - (a) The recitals set forth above.
    - (b) The analysis, advice and recommendations of the Impact Fee Advisory Committee.
    - (c) The Land Use Assumptions, as adopted by the Board of Supervisors.
    - (d) The Roadway Sufficiency Analysis, as adopted by the Board of Supervisors.
    - (e) The Transportation Capital Improvements Plan, as adopted by the Board of Supervisors.
    - (f) Such other conditions and standards as the Board of Supervisors may by resolution identify from time to time as being relevant and material to the imposition of an impact fee and consistent with the provisions of the Act and any amendments thereto.
  - (2) The collection, disbursement and accounting of impact fees shall be administered by the office of the Township Manager or Secretary-Treasurer, subject to review, oversight and control by the Board of Supervisors.
  - (3) The time, method and procedure for payment of impact fees shall be as set forth in Subsection P hereof.
  - (4) The procedure for credits against or refunds of impact fees shall be as set forth in Subsections Q and R hereof.
  - (5) Such exemptions as the Board of Supervisors shall choose to enact shall be set forth in Subsection K hereof.



- D. Definitions. The terms and definitions set forth in Section 502-A of the Act are hereby adopted and incorporated herein by reference.
- E. Imposition. There is hereby enacted an impact fee to be imposed upon new development for the purpose of off-site public transportation capital improvements authorized by the Act and as described in the program adopted by the Board of Supervisors. Said impact fee shall apply to all new developments or subdivisions within each of the transportation service areas identified herein and shall be a condition precedent to final approval of a development or a subdivision plan or issuance of a building permit.
- F. Uses. Impact fees collected pursuant to this section shall be expended for costs incurred for improvements attributable to new development and designated in the Transportation Capital Improvements Plan adopted by the Board of Supervisors in Resolution No. 91-37R for improvements within each of the transportation service areas in which the new development will be located. Additionally, such fees may be used for the acquisition of land and rights-of-way, engineering, legal and planning costs, and all other costs, including debt service related to road improvements within the designated service area, and including such proportionate amount of the Roadway Sufficiency Analysis as is allowed under the provisions of this Act.
- G. Documents adopted by the Board of Supervisors. The following documents, previously adopted by the Board of Supervisors, are hereby incorporated by reference in this section:
- (1) Recommendations of the Impact Fee Advisory Committee, identified as follows:
    - (a) Land Use Assumptions, as adopted by Township resolution.
    - (b) Roadway Sufficiency Analysis, as adopted by Township resolution.
    - (c) The Transportation Capital Improvements Plan, as adopted by Township resolution.
    - (d) The Impact Fee Schedule, as established by Township resolution.
    - (e) Designation of transportation districts as set forth on the Transportation Service Area Map identified as Exhibit A and incorporated herein by reference.<sup>1xEN</sup>
- H. Special traffic studies.
- (1) Where intended to assist in determining the appropriate amount of traffic impact fees, the Township may require the preparation of special transportation studies to determine the traffic-generation or circulation

patterns in new nonresidential developments only; provided, however, that no studies may be required where the proposed development will not require a deviation from the land use assumptions used to create the program.

- (2) Any such studies required by the Township shall be submitted prior to the imposition of the impact fee and shall be considered in the determination of the fee.
- I. Applicability of impact fee. Impact fees shall be uniformly applied to all development that occurs within a designated development subarea.
  - J. Imposition of impact fee.
    - (1) No building permit shall be issued for a development in a designated transportation district subarea, as herein defined, unless the applicant therefor has paid the impact fee imposed by and calculated pursuant to this section.
    - (2) In lieu of payment of the impact fee imposed in Subsection J(1) above, the Board of Supervisors may elect to have a person, association or corporation pay the nonresidential unit tax pursuant to Chapter 448, Article V, Nonresidential Unit Tax, of the Code of the Township of Middletown.
  - K. Exemptions. It is hereby specifically provided that any residential minor subdivision, as defined in this chapter, shall be exempt from the transportation impact fees imposed by this section.
  - L. Calculation of impact fees.
    - (1) The impact fee for transportation capital improvements shall be based upon the total costs of the road improvements included in the adopted Transportation Capital Improvements Plan within a given transportation service area attributable to and necessitated by new development within the service area as defined, divided by the number of anticipated peak-hour trips generated by all new development consistent with the adopted Land Use Assumptions and calculated in accordance with the Trip General Manual published by the Institute of Transportation Engineers, 4th or subsequent editions, which is hereby adopted by the Township, to equal a per-trip cost for transportation improvements within the service area.
    - (2) The specific impact fee for a specific new development or subdivision within the service area for road improvements shall be determined as of the date of preliminary land development or subdivision approval by multiplying the per-trip cost established for the service area as determined in Subsection G(1)(d) hereof by the estimated number of trips to be generated by the new development or subdivision using generally accepted traffic engineering standards.

- (3) The Board of Supervisors may authorize or require the preparation of a special transportation study in order to determine traffic generation or circulation for a new nonresidential development to assist in the determination of the amount of the transportation fee for such development or subdivision.

M. Establishment of transportation service areas.

- (1) Transportation service areas are established as shown on the Transportation Service Area Map (attached hereto at the end of this section as Exhibit A and incorporated herein by reference).<sup>ixiEN</sup>
- (2) Additional transportation district subareas or combinations of transportation district subareas may be designated by the Board of Supervisors from time to time consistent with the procedure set forth in this section and in consideration of the following factors:
  - (a) The Comprehensive Plan.
  - (b) Any standards for adequate public facilities incorporated in the program.
  - (c) The projected build-out and timing of development areas.
  - (d) The need for and cost of unprogrammed transportation improvements necessary to support projected development.
  - (e) Such other factors as the Board of Supervisors may deem relevant.
- (3) Fees collected from development in each of the transportation district subareas will be used exclusively to fund transportation improvement projects scheduled for that district.

N. Nonbinding impact fee estimate. Prior to making an application for a building permit, an applicant may request a nonbinding impact fee estimate from the Township, which shall be based upon the maximum development potential of the site pursuant to existing zoning regulations (Chapter 500), unless the applicant specifies a lesser use of development.

O. Administration of impact fee.

- (1) Collection of impact fee. Impact fees due pursuant to this section shall be collected by the Township in the manner or manners prescribed herein prior to the issuance of a building permit.
- (2) Establishment of fund. Upon receipt of impact fees, the Township Manager or Secretary-Treasurer shall be responsible for the separate and proper accounting of such fees. All such fees shall be deposited in interest-bearing

accounts in a bank authorized to receive deposits of the Township funds. Interest earned by each account shall be credited to that account and shall be used solely for the purpose specified for funds of such account.

- (3) Establishment and maintenance of accounts. The Township Manager or Secretary-Treasurer shall establish appropriate trust fund accounts and shall maintain records whereby impact fees collected can be segregated for each transportation district subarea.
  - (4) Maintenance of records. The Township Manager or Secretary-Treasurer shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the program for the particular transportation district subarea.
- P. Method of payment. Payment of the transportation capital improvements impact fee shall be made by the traffic generator prior to the issuance of a building permit by the Township to the traffic generator for development on the applicable site.
- Q. Credit. Any applicant who shall perform, at his own expense and with the consent and agreement of the Board of Supervisors, off-site improvements, as herein defined, shall be eligible for a credit from the impact fee otherwise due in the amount of the actual cost of such off-site improvements as approved by the Township Engineer. Such credit shall not exceed the amount of the impact fee.
- (1) If the applicant makes such improvements, he must enter into an agreement with the Board of Supervisors prior to the issuance of any building permit. The agreement must establish the estimated cost of the improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement be completed to Township and Pennsylvania Department of Transportation standards and design criteria and such other terms and conditions as deemed necessary by the Board of Supervisors. The Board of Supervisors shall review the improvement plan, verify costs and time schedules, determine if the improvement is an eligible improvement, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee prior to issuance of any building permit. In no event shall the Board of Supervisors provide a credit which is greater than the applicable impact fee. If, however, the amount of the credit is calculated to be greater than the amount of the impact fee due, the applicant may use such excess credit toward the impact fees imposed on other building permits for development on the same site and in the same ownership, provided that any such applicant shall be required to supply financial security sufficient, in the judgment of the Township, to cover the cost of any such improvement installed by the applicant for which credit is sought.

- (2) An applicant shall be entitled as a credit against impact fees an amount equal to the fair market value of land dedicated by the applicant and accepted by the Township for future right-of-way, realignment or widening of existing roadways.
  - (3) An applicant shall be entitled as a credit against impact fees an amount equal to the value of any road improvement construction which is contained in the Transportation Capital Improvements Plan and which was performed at the applicant's expense.
- R. Refunds. Impact fees collected pursuant to this section shall be refunded, together with interest earned thereon, to the payer of the fees under the following circumstances:
- (1) In the event the Township completes or terminates the capital improvements plan and there remain undisbursed funds, the respective payers shall be entitled to a share of the fund balance in the same proportion as the payer's impact fee payment plus interest earned bears to the total impact fees collected plus interest.
  - (2) In the event any specific road improvement project is completed at a cost to the Township less than ninety five percent (95%) of the budgeted cost of the road project, the Township shall refund an amount equal to the excess budgeted cost over actual cost to the payers, pro rata plus accumulated interest.
  - (3) In the event the Township fails to commence construction within three (3) years of the scheduled construction date of the project as set forth in the Transportation Capital Improvements Plan, the Township shall refund the portion of the fee paid by any payer making written request therefor which is attributable to said project, with accumulated interest, provided no refund shall be paid with respect to any project actually begun prior to the receipt of such refund request.
  - (4) In the event the development for which impact fees were paid has not commenced prior to the expiration of the building permit issued therefor, the impact fees paid, with accumulated interest, shall be refunded to the payer. Further, if a building permit, after issuance, is altered in such a way as to reduce the indicated impact fee, the difference between the amount indicated and the amount actually paid shall be refunded. The payer, at his option, may roll over the impact fees attributable to an expired building permit to cover fees incurred by a renewal of said expired permit. With respect to refunds arising out of Subsection R(1) or (2) hereof, any funds unclaimed within one (1) year after notice as required by law may be transferred to the general account of the Township, and the payer's entitlement to said refund shall lapse. It is the responsibility of the payer to provide the Township with the current address of his place of business.

- S. Effect of impact fee on zoning and subdivision and land development regulations. This section shall not affect, in any manner, the permissible use of property, density of development, previously adopted design and improvement standards and requirements or any other aspect of the development of land or provisions of public improvements which remain subject to applicable zoning and subdivision and land development regulations of the Township, which shall be operative and remain in full force and effect without limitation with respect to all such development.
- T. Impact fee as additional and supplemental requirement. The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the Township on the development of land or the issuance of building permits. Nothing herein contained shall be deemed to alter or affect the Township's existing ordinances and regulations regarding on-site improvements. In no event shall a property owner be obligated to pay an impact fee for transportation capital improvements in an amount in excess of the amount calculated pursuant to this section; provided, however, that a property owner may be required to pay, pursuant to Township ordinances, regulations or policies, for other public facilities in addition to the impact fee for transportation improvements as provided herein.
- U. Retroactive application. Notwithstanding the effective date of this section, the impact fees imposed by this section shall have retroactive application to the extent permissible by law.
- V. Liberal construction. The provisions of this section shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

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**ARTICLE V, Required Improvements [Added 6-24-1986 by Ord. No. 86-10]**

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**§ 440-501. Purpose.**

- A. The purpose of this article is to establish and define the public improvements which will be required to be constructed by the applicant as conditions for final plan approval.
- B. All improvements shall be constructed in accordance with the specific conditions of the commitment and the accepted drawings and specifications, and in the manner acceptable to the Township Board of Supervisors.
- C. If it is determined during the course of the review that off-site improvements are necessary to satisfactorily accomplish the objectives and requirements of this chapter, the applicant shall be also responsible for the installation of the off-site improvements or cost thereof.

**§ 440-502. Application.**

The improvements included in this article are minimum requirements. However, the Board of Supervisors reserves the right in any case to increase said requirements if conditions so warrant.

**§ 440-503. Revision of plans.**

When changes from the accepted drawings and specifications become necessary during construction, written acceptance by the Board of Supervisors with the advice of the Township Engineer(s) shall be secured before the execution of such changes.

**§ 440-504. Maintenance.**

Adequate provisions for the satisfactory maintenance of all streets shall be made by dedication to and acceptance for maintenance by the Township or by other acceptable means. During the course of development and prior to dedication, maintenance of streets shall be the responsibility of the developer.

**§ 440-505. Streets.**

- A. The construction of streets, roads, lanes and driveways, as shown upon final plans and as contained in contract agreements, shall in every respect conform to such requirements as the Board of Supervisors may by resolution require for the construction of streets in the Township.

- B. The minimum requirements shall be those contained in the Middletown Township Specifications and Design Standards for Streets and Roads, as last revised, in effect at the time of the approval of the applicant's final plan.
- C. All streets shall be graded to the grades shown on the street profiles and cross-section plan submitted and approved with the final plan.
- D. Along the existing street on which a subdivision or land development abuts, improvements shall be made to the street as required by the Board of Supervisors. The improvements to the existing street shall be determined by the width of the required cartway and built to the specifications established by the Township. At the discretion of the Board of Supervisors, an escrow account may be established to be used by the Township for the improvement of the cartway to the required standards.

**§ 440-506. Street signs.**

- A. The developer shall erect at every street intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two (2) such street signs, and at the intersections where one (1) street ends or joins with another street, there shall be at least one (1) such street sign.
- B. Street signs are to be erected before the first dwelling on the street is occupied. Temporary street signs may be erected on the approval of the Board of Supervisors but shall be made permanent before final offer for the dedication of roads is made.
- C. All street signs shall conform to those standards of § 440-418.

**§ 440-507. Streetlights.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. The developer shall install or cause to be installed, at the developer's expense, streetlights acceptable to the Township and serviced by underground conduit in accordance with a plan to be prepared by the owner's engineer and approved by the Township Streetlight Engineer and approved by the Board of Supervisors. Provision shall be made for energizing said lighting after fifty percent (50%) or more of the section within the phase in a given subdivision or land development has been occupied. The developer shall be responsible for all costs involved in lighting the streets until such time that the streets are accepted or condemned as public streets by resolution or ordinance assessing all costs of the lighting to the property owners along the street. The developer shall continue to pay for the cost of streetlight maintenance until December 31 of the year of dedication.



- B. Where sidewalks are provided, streetlights shall be located on the same side of the street.

**§ 440-508. Monuments.**

- A. Monuments shall be placed at each change in direction of boundary, two (2) to be placed at each street intersection and one (1) on one (1) side of each street at angle points and at the beginning and end of curves. Utility easements shall be monumented at their beginning and at their end; areas to be conveyed for public use shall be fully monumented at their external boundaries, and areas for open space shall be fully monumented at each change in direction of a boundary.
- B. Monuments shall be placed in the ground after final grading is completed, at a time specified by the Township Engineer(s). The monument shall be concrete, the size and length as may be approved by the Township Engineer(s). Monumentation of the external boundaries of the subdivision must be completed prior to final plan approval.
- C. All monuments shall be checked for accuracy by the Township Engineer(s) or their accuracy certified by the developer's engineer. Accuracy of monuments shall be within three one-hundredths (3/100) of a foot.

**§ 440-509. Sidewalks.**

- A. Sidewalks shall be constructed on both sides of all proposed or existing streets within the subdivision or land development, unless in the opinion of the Board of Supervisors, with the advice of the Planning Commission, they are unnecessary for public safety and convenience. If the Board of Supervisors deems it to be in the public interest to waive the requirement for sidewalks, the developer shall contribute a sum comparable to the cost if the sidewalks had been installed.
- B. Within multifamily residential developments, it is required to install on-site walks for convenience and access to all living units from streets, driveways, parking areas or garages, and for convenient circulation and access to all project facilities.
- C. Width, alignment and gradient of walks shall provide safety and convenience for pedestrian traffic. Small jogs in the alignment shall be avoided.
- D. The alignment and gradient of walks shall be coordinated with the grading plan to prevent the passage of concentrated surface water on or across the walk and to prevent the pocketing of surface water by walks.

**§ 440-510. Curbs.**

- A. Curbs shall be provided along both sides of all proposed or existing streets, unless in the opinion of the Board of Supervisors, with the advice of the Township Engineer(s), they are unnecessary.
- B. Along the existing street on which a subdivision or land development abuts (hereinafter called boundary streets), curbs shall be constructed and the existing paved cartway shall be widened to the curb. The location of curbing along a boundary street shall be determined by the width of the existing or future right-of-way of the road as established by the Board of Supervisors and in accordance with the specifications in § 440-410 of this chapter.
- C. All curbs shall be designed and constructed in accordance with the standards and specification of the Middletown Township Specifications and Design Standards for Streets and Roads or the specifications of the Township Engineer(s).

**§ 440-511. Storm sewerage system.**

The developer shall construct stormwater drainage facilities, including retention and detention basins, curbs, catch basins and inlets, storm sewers, road ditches and open channels in order to prevent erosion, flooding and other hazards to life and property, including off-site facilities that are necessary to meet the objectives and requirements of this chapter. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, and size, type and installation of all stormwater drains and sewers shall be constructed in accordance with the approved plans and standard specifications of the Middletown Township Specifications and Design Standards for Streets and Roads.

**§ 440-512. Public water supply and distribution systems.**

- A. The developer shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision or land development. The entire system shall be designed in accordance with the requirements and standards of the Middletown Township Construction Specifications for Water and Sewer Systems and shall be subject to Township approval. Wherever possible, the layout shall be a loop system rather than dead ends.
- B. The system shall also be designed with adequate capacity and appropriately spaced fire hydrants for fire-fighting purposes. Review by the Fire Marshal shall be required in order to ensure that adequate fire protection is provided.
- C. All on-site wells and all components of the distribution system shall be shown on all plans.

**§ 440-513. Private water supply.**

- A. Private water supply systems shall be prohibited, unless approved by the Township.
- B. Where no public water is accessible, water shall be furnished by the developer on an individual lot basis. If wells are installed on each lot, the well shall be of the drilled type, cased and grout sealed into the bedrock. All standards of the Bucks County Department of Health shall be followed.

**§ 440-514. Public sanitary sewers.**

- A. The developer shall construct sanitary sewers in such a manner as to make adequate sanitary sewage service available to each lot within the subdivision or land development.
- B. All public sanitary sewers shall be designed and constructed in accordance with the Sewerage Manual issued by the Pennsylvania Department of Environmental Protection and the Middletown Township Construction Specifications for Water and Sewer Systems.
- C. No public sanitary sewer shall be constructed until plans and specifications have been submitted to the Department of Environmental Protection and to the Township Board of Supervisors and approved in accordance with existing laws.

**§ 440-515. Private sewage disposal system.**

- A. Private sewage disposal systems shall be prohibited, unless approved by the Township.
- B. Where public sewer facilities are not available, the developer shall provide for sewage disposal on an individual lot basis according to the rules, regulations, terms, definitions and conditions of the individual sewage disposal system application and certification procedure for Bucks County, Pennsylvania, adopted by the Bucks County Board of Commissioners on March 24, 1971, and any amendments made thereto.
- C. No plat for which on-site sewage disposal is proposed shall be finally approved until there appears upon it a signed statement by an authorized agent of the Bucks County Department of Health indicating that all such lots are capable of providing on-site treatment.

**§ 440-516. Electric, telephone and communications facilities.**

- A. All electric, telephone and communications service facilities, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility and other companies providing such services.
- B. Where practicable, all utilities shall be located within the street right-of-way but outside the cartway. Otherwise, easements or rights-of-way of sufficient width for installation and maintenance shall be provided.
- C. Preliminary and final plans shall show locations of all utilities and shall be coordinated with required street tree plantings.

**§ 440-517. Grading.**

Grading shall conform in all respect to the approved final plan and the Middletown Township Specifications and Design Standards for Streets and Roads.

**§ 440-518. Planting.**

**[Amended 12-1-1992 by Ord. No. 92-13; 3-1-1994 by Ord. No. 94-02]**

- A. Street trees and other required plantings shall be in accordance with § 440-417 of this chapter.
- B. Street trees and other required plant material shall not be planted until finished grading of the subdivision or land development has been completed.
- C. Plans of proposed street tree planting or buffer yard plantings shall be reviewed and approved by the Middletown Township Planning Commission.

**§ 440-519. Special drainage problems; floodplain soil area.**

- A. The Board of Supervisors may, when it deems necessary for the health, comfort, safety or welfare of the present and future population of the area, and necessary to the conservation of water, drainage and sanitary facilities, prohibit subdivision of any portion of the property which lies within areas containing floodplain soils.
- B. These areas shall be preserved from any and all destruction or damage by clearing, grading or dumping of earth, waste material, stumps or other material of any kind.
- C. When there is any proposed alteration of a stream, the applicant shall show evidence that all required approvals by state agencies have been obtained.

**§ 440-520. Community facilities.**

- A. Additional community facilities may be required to serve the proposed lots or dwellings in a subdivision or land development. Where a proposed park, playground or other public facility is shown in the Comprehensive Plan or Community Facilities Plan and is located in whole or in part in a subdivision or land development, the dedication or reservation of such area may be required by the Board of Supervisors in those cases in which it deems such requirement to be reasonable.
- B. The Middletown Township Park and Recreation Board shall review all plans where public recreation facilities are proposed.

**§ 440-521. Inspection; streets and improvements.**

**[Amended 12-1-1992 by Ord. No. 92-13; 3-1-1994 by Ord. No. 94-02]**

- A. Preliminary inspection.
  - (1) The applicant shall notify the Township Manager in writing when all required improvements desired to be accepted by the Township have been constructed and installed in accordance with the Township specifications. The Township Engineer(s) may require the applicant to supply spot elevations and finished floor elevations to verify compliance with the approved grading plan.
  - (2) The Township Manager shall notify the Township Engineer(s) of the completion of the required improvements.
  - (3) The Township Engineer(s) shall:
    - (a) Inspect the completed required improvements; and
    - (b) Submit in writing a report to the Board of Supervisors and the applicant specifying those items of construction, material and workmanship which do not comply with the Township specifications or the approved final plans.
  - (4) The applicant upon notification from the Township Engineer(s) shall:
    - (a) Proceed, at his own cost, to make such corrections as shall be required to comply with the Township specifications and approved final plans; and
    - (b) Notify the Township Engineer(s) and the Board of Supervisors, upon completion, requesting final inspection.

**B. Final inspection.**

- (1) The Board of Supervisors and Township Engineer(s) shall make a final inspection with the applicant of all required improvements.
- (2) The Township Engineer(s) shall:
  - (a) Run the finished center-line profile of the completed streets;
  - (b) Submit a report to the Board of Supervisors indicating the final elevations; and
  - (c) Affix to the final profile plan such elevations.

**C. Acceptance.**

- (1) The Board of Supervisors shall notify the applicant of acceptance of the required improvements if satisfied that the applicant has complied with all specifications and ordinances of the Township.
- (2) The applicant shall:
  - (a) Furnish the Township with three linens and paper prints of the completed required improvements, including drainage profiles and off-site/on-site utilities
  - (b) Pay all costs for the Clerk of the Court of Common Pleas of Bucks County on the petition and resolution or ordinance of the Board of Supervisors to the said Court for its approval of the acceptance of the required improvements.
  - (c) Pay all legal and engineering costs in connection with the dedication process.

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## **ARTICLE VI, Administration**

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### **§ 440-601. Fees.**

The applicant shall reimburse the Township for all reasonable administrative and professional expenses, including but not limited to engineering, legal, and consultant fees for review, modification or supplementing the feasibility studies required under Article III or V pursuant to the provisions of this chapter. Prior to the filing of a preliminary plan and prior to the filing of a final plan, the applicant shall pay to the Township Manager the appropriate nonrefundable filing fee and an escrow deposit to defray the professional expenses incurred by the Township in accordance with the fee schedule adopted by the Township Board of Supervisors. Thereafter, as the escrow deposit for expenses is expended, the applicant shall make further deposits upon notice from the Township Manager until approval of the plan. Upon approval of the final plan, the Township Manager shall forthwith refund to the applicant any uncommitted portion of the deposit remaining after all expenses incurred by the Township have been paid in full by the applicant. To the engineering and legal fees required to be paid to the Township by this article there shall be added the sum of five percent (5%), which the owner shall pay to the Township as reimbursement to the Township of the costs incurred by the Township for the collection of such fees and the disbursement of the same to the Township Engineer and Township Solicitor.

### **§ 440-602. Modifications.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. The Board of Supervisors may grant a modification of the requirements of one (1) or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed.
- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this chapter involved and the minimum modification necessary.
- C. The request for modification shall be referred to the Planning Commission for advisory comments.
- D. The Board of Supervisors shall keep a written record of all action on all requests for modifications.

**§ 440-603. Review fees.**

**[Added 12-1-1992 by Ord. No. 92-13]**

- A. Review fees shall include the reasonable and necessary charges by the Township's professional consultants or engineer for review and report to the Township and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
- B. In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- C. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution set forth in § 440-607(G) of this chapter.

**§ 440-604. Preventive remedies.**

**[Added 12-1-1992 by Ord. No. 92-13]**

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. 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 chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - (1) The owner of record at the time of such violation.
  - (2) 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.



- (3) 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.
  - (4) 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.
- C. 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.

**§ 440-605. Enforcement remedies.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorneys' 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 this chapter 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 (5<sup>th</sup>) 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.
- B. 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.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.
- D. Magisterial District Judges shall have initial jurisdiction in proceedings brought under this section.

**§ 440-606. Completion of improvements or guarantee thereof prerequisite to final plat approval.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

A. No plat shall be finally approved unless the streets shown on such plat have been improved to a mudfree or otherwise permanently passable condition, or improved as may be otherwise required by this chapter, and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this chapter have been installed in accordance with this chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by this chapter, the developer may deposit with the Township financial security in an amount sufficient to cover the costs of such improvements or common amenities, including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.

- (1) If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility, a municipal authority or the Township Water and Sewer Department, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility, municipal authority or the Township Water and Sewer Department and shall not be included within the financial security as otherwise required by this section.
- (2) To indemnify the Township in accordance with Township ordinances, its other policies and regulations and to furnish to the Board of Supervisors a certificate of insurance indicating that the developer carries adequate liability insurance in an amount not less than one million dollars (\$1,000,000.00) and, in addition, that said liability insurance, in a form satisfactory to the Township, has been provided covering any liability of the Township, directly or indirectly, resulting from the developer's action or inaction related to said tract. The certificate provided must list the Township as an additional insured and must be for a period of not less than one (1) year. If at any time such a current, unexpired certificate of insurance is not in the possession of the Township, any and all building permits and certificates of occupancy may be suspended by the Township until the receipt of a current certificate of insurance.
- (3) To obtain the easements and releases required by this chapter and the record plan.

- (4) To reimburse the Township promptly for reasonable administrative, attorneys' and engineers' inspection fees and fees for other professionals employed by the Township for implementation of this chapter.
- B. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreements are executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- C. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, federal- or commonwealth-chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or federal- or commonwealth-chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the commonwealth.
- E. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90<sup>th</sup>) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said one hundred and ten percent (110%). Any additional security shall be posted by the developer in accordance with this subsection.
- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements submitted by the applicant or developer and prepared by a professional engineer licensed as such in this

Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

- H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred and ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.
- I. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by sections or stages of development, subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

- K. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
- L. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to a mudfree or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

**§ 440-607. Release from improvement bond.**

**[Added 12-1-1992 by Ord. No. 92-13]**

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report in writing with the Board of Supervisors

- and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; 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 nonapproval or rejection.
- B. The Board of Supervisors shall notify the developer within fifteen (15) days of receipt of the Engineer's report, in writing, by certified or registered mail, of the action of said Board of Supervisors with relation thereto.
  - C. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to its performance guaranty bond or other security agreement.
  - D. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification as outlined herein shall be followed.
  - E. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.
  - F. Where herein reference is made to the Township Engineer, he shall be as a consultant thereto.
  - G. The applicant or developer shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the Board of Supervisors and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
    - (1) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

- (2) If within twenty (20) days from the date of billing the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
- (3) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- (4) In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by or performed services for the Township or the applicant within the preceding five (5) years.
- (5) The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half (½) of the fee of the appointed professional engineer.

**§ 440-608. Remedies to effect completion of improvements.**

**[Added 12-1-1992 by Ord. No. 92-13]**

In the event that any improvements which may be required have not been installed as provided in this chapter or in accord with the approved final plat, the Board of Supervisors is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development

and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

**§ 440-609. Records.**

- A. The Board of Supervisors and Planning Commission shall keep records of their findings, decisions and recommendations relative to all subdivision plans filed with them for review or approval.
- B. All records shall be public records.

**§ 440-610. Inspection by Township Engineer.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Three (3) days prior to the commencement of any operation in the construction or installation of streets, curbs, sidewalks, drainage facilities, street signs, monuments, water and sewer improvements, streetlights or capped sewers, the developer shall notify the Township Engineer(s), who shall inspect the work, materials, construction and installation to assure that the same are in accordance with Township requirements.
- B. The Township Engineer(s) shall be authorized to have such tests of materials made as are provided in the Middletown Township Specifications and Design Standards for Roads and Streets and in the Middletown Township Construction Specifications for Water and Sewer Systems in order to have proper control of materials. The developer shall pay to the Township the cost of such tests plus an administrative fee to reimburse the Township for the collection of such fees and disbursement of same to the Township Engineer(s).



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## **ARTICLE VII, Amendments**

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### **§ 440-701. Power of amendment.**

The Board of Supervisors may from time to time amend, supplement, change, modify or repeal this chapter. When doing so, the Board of Supervisors shall proceed in the manner prescribed in this article.

### **§ 440-702. Definition.**

The words "amend," "amendment," "amendments" or "amended" in this chapter shall be deemed to include any modification of the text or phraseology of any provision or amendment thereof or any repeal or elimination of any addition to such provision or part thereof, or any addition to the chapter or to an amendment thereof.

### **§ 440-703. Initiation of amendments.**

#### **[Amended 12-1-1992 by Ord. No. 92-13]**

Proposals for amendment, supplement, change, modification or repeal may be initiated by the Board of Supervisors on its own motion or by the Planning Commission.

- A. Proposals originated by the Board of Supervisors. The Board of Supervisors shall refer every proposed amendment, supplement, change, modification or repeal originated by the governing body to the Township Planning Commission and Bucks County Planning Commission. Within thirty (30) days of the submission of said proposal, the Planning Commission shall submit to the Board of Supervisors a report containing the Commission's recommendations, including any additions or modifications to the original proposal.
- B. Proposals originated by the Planning Commission. The Planning Commission may at any time transmit to the Board of Supervisors any proposal for the amendment, supplement, change, modification or repeal of this chapter.

### **§ 440-704. Effect of change in this chapter.**

#### **[Added 12-1-1992 by Ord. No. 92-13]**

Changes in this chapter shall affect plats as follows:

- A. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment of this chapter, zoning or other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in

- accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly approved. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in this chapter, zoning or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
  - C. Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of this chapter or the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.
  - D. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of any ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
  - E. In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat, delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval until final plat approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors, in its discretion.
  - F. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors, in its discretion, provided that the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with the

landowner's aforesaid schedule of submission of final plats for the various sections; then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply, and for any section or sections beyond the initial section in which the required improvements have not been substantially completed within said five (5) year period, the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

- G. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in this chapter, zoning, and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.

**§ 440-705. Hearings.**

**[Amended 12-1-1992 by Ord. No. 92-13]**

- A. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon. No amendment shall become effective until after such hearing, at which parties in interest and citizens shall have an opportunity to be heard.
- B. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section and shall include the time and place of the meeting at which passage will be considered; a reference to a place within the Township where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance or amendment once in each week for two (2) successive weeks in a newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
- (1) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
  - (2) An attested copy of the proposed ordinance shall be filed in the county law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance.

- C. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise, in one (1) newspaper of general circulation in the Township a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- D. No hearing shall be held before or during the thirty (30) day period in which the Planning Commissions have been directed to review and report their recommendations to the Board of Supervisors.
- E. Within thirty (30) days after adoption, the Board of Supervisors of Middletown Township shall forward a certified copy of any amendment to the Subdivision and Land Development Ordinance to the Bucks County Planning Commission.