

## Chapter 320

### SUBDIVISION AND LAND DEVELOPMENT

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[HISTORY: Adopted by the Board of Supervisors of Rye Township 12-14-2009 by Ord. No. 09-03. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission — See Ch. 46.  
Agricultural operations — See Ch. 98.  
Uniform construction codes — See Ch. 155.  
Numbering of buildings — See Ch. 248.

Sewers and sewage disposal — See Ch. 287.  
Streets and sidewalks — See Ch. 311.  
Zoning — See Ch. 360.

ARTICLE I  
General Provisions

§ 320-1. Title.

These regulations shall be known and may be cited as "The Rye Township Subdivision and Land Development Ordinance."

§ 320-2. Purpose.

This chapter has been adopted by the Rye Township Board of Supervisors to protect the health, safety, morals and general welfare of the citizens of the Township; to provide for the harmonious development of the Township by insuring equitable handling of all subdivisions or land development plans by providing uniform standards and procedures; to provide for the general welfare by providing and protecting cultural facilities; by guiding the development and growth of structures, types and locations of streets, open spaces and public grounds, recreation, proper traffic flows, light and air, and the proper distribution of population in a

manner consistent with the Rye Township Comprehensive Plan to insure conditions favorable to the health, safety, morals, and general welfare of the citizens of the Township.

**§ 320-3. Authority.**

The Rye Township Planning Commission is hereby designated by the Board of Supervisors as the agency which shall review and make recommendations on all preliminary and final plans as required herein. The Board of Supervisors shall have authority to approve all preliminary and final plans as required herein for the Township of Rye.

**§ 320-4. County review.**

Applications for review of subdivision and land development must be forwarded upon receipt by the Township to the Perry County Planning Commission along with the required fee for review and report, and the Township shall not approve such applications until the County Planning Commission report is received or until the expiration of 30 days from the date the application was forwarded to the county.

**§ 320-5. Applicability.**

- A. No subdivision or land development of any lot, tract, or parcel of land located in the Township shall be effected; no street, sanitary sewer, storm sewer, water main, or other facility in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of the buildings thereon unless and until a final subdivision plan has been approved by the Board of Supervisors and publicly recorded in the manner prescribed herein; nor otherwise except in strict accordance with the provisions of this chapter.
- B. No lot in a subdivision may be sold; no permit to erect or alter any building upon land in a subdivision or land development may be issued; and no building may be erected or altered in a subdivision or land development, unless and until a final subdivision plan has been approved by the Board of Supervisors and recorded, and until construction of the improvements required in connection therewith has been guaranteed in the manner prescribed herein.

**§ 320-6. Interpretation.**

In interpreting and applying the provisions of this chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare. Where provisions of a statute, other ordinance, resolution, or regulation impose greater restrictions than this chapter, the provisions of such statute, resolution, ordinance, or regulation shall be controlling.

**§ 320-7. Zoning applicability.**

Nothing contained in this chapter shall relieve the owner or developer from complying with the applicable provisions of Chapter 360, Zoning, of the Code of Rye Township. It is the expressed intent that this chapter and Chapter 360, Zoning, be enforceable and together facilitate the stated planning goals and objectives of the Township.

**ARTICLE II  
Terminology****§ 320-8. Word usage.**

Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations have the meanings indicated:

- A. Words in the singular include the plural and those in the plural include the singular.
- B. Words used in the present tense include the future tense.
- C. The words "person," "subdivider," "developer," and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual engaged in the subdivision of land and/or land development.
- D. The word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof."
- E. The word "watercourse" includes "channel," "creek," "ditch," "dry run," "spring," "stream" and "river."
- F. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

**§ 320-9. Definitions.**

Other terms or words used herein shall be interpreted or defined as follows:

**ABANDONED SIGNS** — An abandoned sign is defined as:

- A. A sign that has remained without bona fide advertising for a period of six months, and for which the sign owner has not made application for a current permit as provided below, or that is without a current lease or license from the landowner, or as to which the sign owner has ceased to attempt to lease the advertising space; or
- B. A sign that requires maintenance or repair in excess of 25% of the replacement cost of the sign as determined by the Zoning Officer after consultation with the sign owner, if the sign owner can be identified from the permit previously issued for such sign.

**ABANDONMENT** — The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**ACCELERATED EROSION** — The removal of surface material by the action of natural elements caused by man's manipulation of the landscape.

**ACCESS DRIVE** — A paved surface, other than a street, which provides vehicular access from a street or private road to a lot.

**ACCESSIBLE TO THE DEVELOPMENT** — Any area which can be easily approached, entered and used by the citizens of a particular residential development, provided that the area is within six straight line or air miles of the development.

**ACCESSORY BUILDING** — A building subordinate to and detached from the main building on the same lot and used for purposes customarily incidental to the main building.

**ACCESSORY USE** — A use customarily incidental and subordinate to the principal use or the main building and located on the same lot with such principal use or main building.

**ADVERTISING SIGN or POSTER PANEL** — Any structure or part thereof or any device attached to a structure for the painting, posting or otherwise displaying of information for the purpose of bringing to the attention of the public any produce, business, service or cause not necessarily located on or related to the premises on which the sign is situated.

**AGRICULTURE** — The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, fish culture, animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities, and provided further that the above uses shall not include the business of garbage feeding of hogs, fur farms or the raising of animals such as rats, mice, monkeys and the likes for use in medical or other tests or experiments.

**ALLEY (or SERVICE DRIVE)** — A minor right-of-way, publicly or privately owned, primarily for service access to the back or side of properties and not intended for general traffic circulation.

**ALLUVIAL SOILS** — Areas of soils mapped by the most current Cumberland Perry County Soil Survey prepared by the Natural Resource Conservation Service as alluvial soils, including:

Aw: Atkins

Bb: Barbour

Bc: Basher

Ls: Lindside

Me: Melvin

Mf: Middlebury

Tg: Tioga

Wa: Warners

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

**AMUSEMENT PARK** — A tract or area used principally as a location for permanent amusement structures or rides.

**ANIMAL EQUIVALENT UNIT** — One thousand pounds live weight of livestock, poultry or fowl animals, regardless of the actual number of animals that comprise the unit.

**ANIMAL HOSPITAL** — A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

**APARTMENT** — A dwelling unit within a multiple dwelling. This classification includes apartments in apartment houses, apartment hotels, bachelor apartments, studio apartments and kitchenette apartments. Conversion apartments are not included in this classification.

**APARTMENT, CONVERSION** — A multifamily dwelling constructed by converting an existing dwelling into apartments for more than one family without altering the exterior of the building except as required by state or local building or housing codes or regulations.

**APPLICANT** (see DEVELOPER AND LANDOWNER) — A landowner or developer, as hereinafter described, who has filed an application for the subdivision or development of a tract of land, including his heirs, successors and assigns.

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

**APPOINTING AUTHORITY** — The Board of Supervisors of Rye Township.

**AREAS OF SPECIAL FLOOD HAZARD** — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

**ATTIC** — Accessible space between top of uppermost ceiling and underside of roof. Inaccessible places are considered structural cavities.

**ATTIC ROOM (FINISHED ATTIC)** — Attic space which is finished as living accommodations but which does not qualify as a half story.

**AUTO BODY SHOP** — Any structure or any building or part thereof that is used for the repair or painting of bodies and fenders of motor vehicles.

**AUTOMOBILE SERVICE STATION** — Any area of land, including any structure thereon, or any building or part thereof, that is used for the retail sale of gasoline, oil, other fuel, or accessory for motor vehicles, and which may include facilities used for polishing, greasing, washing, dry cleaning, minor repairs, or otherwise cleaning or servicing such motor vehicles, but not including major mechanical repairs and auto body shops.

**BALCONY** — An unroofed platform, enclosed by a railing or parapet, projecting from the wall of a building for the private use of tenants or for exterior access to the abovegrade living units. When a balcony is roofed and enclosed with operating window, it is considered part of the room it serves.

**BASEMENT** — A story partly underground but having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than five feet or if used for business or dwelling purposes other than a game or recreation room.

**BLOCK** — An area bounded by streets.

**BOARD OF SUPERVISORS (SUPERVISORS)** — The Board of Supervisors of the Township of Rye.

**BUILDING** — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels, and including covered porches or bay windows and chimneys, including but not limited to all manufactured homes and trailers used for human habitation.

**BUILDING COVERAGE** — The horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**BUILDING LINE** — A line parallel to the front street, side, or rear lot line set so as to provide the minimum yard requirements in the zoning district in which the lot is located. The lot width shall be measured at the building line.

**BUILDING PERMIT** — See "zoning permit."

**BUILDING SETBACK LINE (SETBACK)** — The line within a property defining the required minimum distance between any enclosed structure and the adjacent right-of-way, and the line defining side and rear yards, where required.

**BUILDING, HEIGHT OF** — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**CAMP** — Any one or more of the following, other than a hospital, place of detention, school offering general instruction, or a trailer camp. Any area of land or water of a design or character used for seasonal, recreational or other similar temporary living purposes that may include any building or group of buildings of a movable, temporary or seasonal nature, such as cabins, tents, or shelters. Any land and buildings thereon used for any assembly of persons for what is commonly known as "day camp" purposes, whether or not conducted for profit and whether occupied by adults or children, either as individuals, families, or groups.

**CAMPING GROUND** — A parcel of land used by campers for seasonal, recreational, or other similar temporary living purposes in buildings of a movable, temporary, or seasonal nature, such as cabins, tents, or shelters, but not including mobile home camp, mobile home court, or mobile home park.



**CARPORT** — A roofed space having at least one side open to the weather primarily designed or used for motor vehicles. This term is usually related to one- and two-family dwellings. In multifamily properties, a garage may have one or more sides open to the weather.

**CARTWAY** or **ROADWAY** — That portion of a street or alley which is improved, designated or intended for vehicular use excluding the shoulders.

**CERTIFICATE OF USE** — A certificate issued by the Zoning Officer upon completion of the construction of a new building or upon a change or conversion of the structure or use of building which certified that all requirements and regulations as provided herein, and all other applicable requirements, have been complied with.

**CHAIRMAN** — The Chairman of the Rye Township Planning Commission.

**CHURCH** — A building used for public worship excluding separate buildings used for residential, educational, burial, recreational, or other uses.

**CLEAR-SIGHT TRIANGLE** — An area of unobstructed vision at street intersections. It is defined by lines of sight between points at a given distance from the intersection of the street center lines.

**CLUB** — An association of persons for social, political, athletic or other ends.

**CLUSTER DEVELOPMENT** — A development that blends residences with areas of natural sensitivity, open space and/or public parklands such that the density of the dwelling units may exceed the density otherwise permitted by the district regulations. Cluster developments are permitted in the Agricultural, R-1, and R-2 districts in accordance with the general regulations of Chapter 360, Zoning.<sup>1</sup>

**COMMERCIAL KEEPING AND HANDLING** — Producing and/or maintaining with the express purpose and intent of selling the product or maintaining a commodity or animal for profit.

**COMMISSION** — The Rye Township Planning Commission.

**COMMON OPEN SPACE** — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Common open space shall be substantially free of structures but may contain such improvements as are in the development plan, as finally approved, and as are appropriate for the recreation of residents.

**COMMUNE** — A collective body of five or more persons unrelated by birth or marriage living communally and sharing in work, earnings, and other pursuits of daily activity.

**COMPREHENSIVE PLAN** — The complete plan, or any of the parts, for the development of the municipality prepared by the Planning Commission and adopted with the code pertaining to Townships of the Second Class.

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1. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

**CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)** — A concentrated animal operation (CAO) with greater than 300 animal equivalent units (AEUs), any agricultural operation with greater than 1,000 AEUs, or an agricultural operation with a discharge to surface waters during a storm event of less than a twenty-five-year/twenty-four-hour storm.

**CONCENTRATED ANIMAL OPERATION (CAO)** — Agricultural operations where the animal density, on an annualized basis, exceeds two animal equivalent units (AEUs) per acre of crop land or acre of land suitable for the application of animal manure.

**CONDITIONAL USE** — A use that is permitted in a particular zoning district pursuant to applicable conditions, standards and criteria expressed in Chapter 360, Zoning, or otherwise stipulated upon the recommendation of the Planning Commission and upon the approval of the Rye Township Board of Supervisors.<sup>2</sup>

**CONDOMINIUM** — Real estate, portions of which are designated for separate ownership, and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONSTRUCTION SITE** — The total land required for buildings and activities within a unified development before a building permit may be issued.

**COUNTY** — Perry County, Pennsylvania.

**COUNTY PLANNING COMMISSION** — The Planning Commission of Perry County.

**COURT** —

- A. **INNER COURT** — An open, outdoor space enclosed on all sides by exterior walls of a building or by exterior walls and property lines on which walls are allowable.
- B. **OUTDOOR COURT** — An open, outdoor space enclosed on at least two sides by exterior walls of a building or by exterior walls and property lines on which walls are allowable, with one side open to a street, driveway, alley, or yard.

**COVERAGE** — That percentage of the lot area covered by buildings, including accessory buildings, road and parking areas.

**CROSSWALK** — A right-of-way, publicly or privately owned, intended to furnish access for pedestrians.

**CUL-DE-SAC** — A street with access closed at one end and with a vehicular turnaround at the closed end.

**CUT** — An excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

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2. **Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).**

DENSITY — The average number of persons, families, or dwellings per unit of area (acre, square mile, etc.).

- A. NET RESIDENTIAL DENSITY — Density of the building site.
- B. GROSS RESIDENTIAL DENSITY — Density of the building site plus traversing streets, alleys and drives, open space and 1/2 of bounding streets.

DESIGNATED FLOODPLAIN AREAS — A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation in a one-hundred-year flood, as designated in Chapter 360, Zoning, as amended.

DETENTION STRUCTURE — A vegetated pond, swale, or other structure designed to drain completely after storing surface water runoff only for a given storm event and release it at a predetermined rate.

DEVELOPABLE LOT AREA — That portion or area in acres or square feet of a proposed lot which has less than 25% lot slope.

DEVELOPER (see APPLICANT AND LANDOWNER) — Any landowner, agent of such landowner, or tenant with permission of such landowner who makes or causes to be made a subdivision of land or land development.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile home units, mining, dredging, filling, grading, paving, excavation or drilling operations, and the subdivision of land.

DEVELOPMENT PLAN — The provisions for development, including a Planned residential development, a plan 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 the development plan" when used in this chapter shall mean the written and graphic material referred to in this definition.

DIAMETER AT BREAST HEIGHT (DBBH) — The diameter of a tree at a height of 4 1/2 feet above the ground, measured on the uphill side.

DISH ANTENNAS — Dish antennas consist of three main components: the antenna itself, often called a "dish"; a low-noise amplifier (LNA); and a receiver. The antenna and the LNA are located outdoors and are connected by coaxial cable to the receiver which is placed indoors.

DISTRICT — A portion of the municipal area within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of Chapter 360, Zoning.<sup>3</sup>

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**DOG KENNEL** — The keeping of four or more dogs for breeding, hunting, boarding or sale, provided that the keeping of litters of puppies not exceeding six months in age shall not constitute a dog kennel.

**DRAINAGE** — The flow of water or liquid waste and the methods of directing such flow.

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

**DRIVEWAY, COMMON** — An improved access cartway from a public right-of-way serving two residential units or lots; jointly owned and maintained by the adjacent lot owners.

**DRIVEWAY, INDIVIDUAL** — An improved access cartway from a public or private right-of-way between a street and a parking area or garage within a lot or property serving one residential unit or lot; owned and maintained by that lot owner.

**DRIVEWAY, PRIVATE** — An improved access cartway, road, or street within a private right-of-way, from a public right-of-way serving up to three individual driveways; jointly owned and maintained by all lot owners.

**DWELLING** — A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. All dwellings must be permanently affixed to a completely enclosed foundation constructed of currently acceptable materials that shall be an entire perimeter wall and extend from below the frost line to the first floor of the building. Such foundation shall be constructed to provide sufficient structural integrity to prevent the building from heaving, shifting, or settling unevenly as a result of frost action. In addition, all dwellings shall be properly connected to approved and permanently designated sewer, water, electric and other utility systems.

**DWELLING, APARTMENT** — A dwelling unit for rent or lease within multiple-family or group buildings providing separate living and sanitary facilities for each family, including provisions for cooking and sleeping. An apartment dwelling may be classified as an efficiency unit where no specific bedroom is provided or it may contain one or more bedrooms. An apartment dwelling specified as high-rise consists of eight or more stories in height.

**DWELLING, EARTH-SHELTERED** — Any completed dwelling or structure that was designed to be built partially or wholly underground. A completed building or structure or foundation for a building.

**DWELLING GROUP** — A group of two or more single-family, two-family, or multifamily dwellings.

**DWELLING, MANUFACTURED HOME** — Any structure designed primarily for residential occupancy, except a mobile home unit, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and

installation on the building site in such a manner that all concealed or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.<sup>4</sup>

DWELLING, MOBILE HOME — See "mobile home unit."

DWELLING, MULTIFAMILY — A dwelling used by three or more families living independently of each other and doing their own cooking, including apartment houses, and row houses.

DWELLING, SINGLE-FAMILY, ATTACHED (TOWNHOUSES) — A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

DWELLING, SINGLE-FAMILY, DETACHED — A dwelling that is designed for and occupied by not more than one family and surrounded by open space or yards and which is not attached to any other dwelling by any means, excluding mobile homes.

DWELLING, SINGLE-FAMILY, SEMIDETACHED — A dwelling used by one family, having one side yard, and one party wall common with another dwelling.

DWELLING, SINGLE-FAMILY, QUADRUPLEX — A dwelling used by one family, having one side yard, and two party walls in common with another building, one party wall being a side wall and one being a rear party wall.

DWELLING, TWO-FAMILY, DETACHED (DUPLEX) — A dwelling used by two families, with one dwelling unit arranged over the other, and having two side yards.

DWELLING, TWO-FAMILY, SEMIDETACHED (DOUBLE DUPLEX) — A dwelling used by two families, with one dwelling unit arranged over the other, having one side yard, and one party wall in common with another building.

DWELLING UNIT — One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities arranged for occupancy by one family or a single person, and having a minimum total floor area of 750 square feet.

EARTHMOVING ACTIVITY — Any construction or other activity which disturbs the surface of the land, including but not limited to excavation, embankments, land development, subdivision development, mineral extraction and the moving, depositing, or storing of soil, rock or earth.

EASEMENT — A right granted for the use of private land for certain public or quasi-public purposes; also the land to which such right pertains.

EASEMENT, UTILITY — A right-of-way granted for the limited use of land for public or quasi-public purposes.

ENERGY DISSIPATOR — A device used to slow the velocity of stormwater, particularly at points of concentrated discharge such as pipe outlets.

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**ENGINEERING SPECIFICATIONS** — The engineering specifications of Rye Township regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.

**ENVELOPE OF DISTURBANCE** — The area of permitted site development on a building lot, defined on the plan, in which all primary or secondary improvements, including house, driveway, garage, open lawn, garden, swimming pools, etc., are constructed.

**EROSION** — The removal of surface materials by the action of natural elements.

**EXCAVATION** —

- A. Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom;
- B. Any act by which earth, sand, gravel or rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the stripped surface and shall include the conditions resulting therefrom;
- C. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade;
- D. The material used to make a fill.

**EXIT** — A way of departure from a building to the exterior at street or grade level, including doorways, corridors, stairways, ramps and other elements necessary for egress or escape.

**FACILITY OWNER** — The entity or entities having an equity interest in the wind energy facility, including their respective successors and assigns.

**FAMILY** — A single individual doing his own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, legal marriage, or other domestic bond. This definition does not include a collective body of persons occupying a hotel, dormitory, lodge, boardinghouse, commune or institution.

**FENCE** — Any freestanding and uninhabitable structure constructed of wood, glass, metal, plastic materials, wire, wire mesh, or masonry, singly or in combination, erected for the purpose of screening or dividing one property from another to assure privacy, or to protect the property so screened or divided, or to define and mark the property line, when such structure is erected on or within two feet of side or rear lot line; for the purpose of this chapter a freestanding masonry wall when so located is considered to be a fence; also for the purpose of this chapter when the term "lot line" is used in relation to fences it shall be synonymous with "rear yard lot lines," "side yard lot lines," and the area within two feet of the same. Fences are not synonymous with "garden structures" which are defined elsewhere herein.

**FLOOD** — A temporary inundation of normally dry land areas.

**FLOOD BOUNDARY, ONE-HUNDRED-YEAR** — The outer boundary of an area of land that is likely to be flooded once every 100 years (i.e., that has a one-percent chance of being

flooded each year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resource Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study as necessary to define its boundary.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** — An official floodplain map of a community issued by the Federal Insurance Administration.

**FLOOD, ONE-HUNDRED-YEAR (BASE FLOOD)** — A flood which is likely to be equaled or exceeded once every 100 years (i.e., that has a one-percent chance of being equaled or exceeded in any given year). A study by the Federal Insurance Administration, the United States Army Corps of Engineers, the United States Department of Agriculture's Natural Resource Conservation Service, the United States Geological Survey, the Susquehanna River Basin Commission, the Department of Environmental Protection, or a licensed professional registered by the Commonwealth of Pennsylvania to perform such a study is necessary to define this flood.

**FLOODPLAIN** — A floodplain may be either or a combination of:

- A. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse, during a one-hundred-year-design-frequency storm; or
- B. Any area subject to the unusual and rapid accumulation of runoff or surface waters from any source.

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. With regard to nonresidential structures, the term "floodproofing" shall also mean that the structure, together with attendant utility and sanitary facilities, be designed so that any space below the regulatory flood elevation is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydromatic loads and effects of buoyancy.

**FLOOR AREA, HABITABLE** — The aggregate of the horizontal areas of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utilities rooms, bathrooms, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least 1/2 of the floor area of every habitable room shall have a ceiling height of not less than seven feet, and the floor area of that part of any room where the ceiling height of not less than five feet shall not be considered as part of the habitable floor area. The minimum total window area, measured between stops shall be 10% of the habitable floor area of such room, except earth-sheltered homes.

**FLOOR AREA OF A BUILDING** — The sum of the gross horizontal areas or the several floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas not used as primary living and sleeping quarters, but including the area of roofed

porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

**FRATERNAL ORGANIZATION** — A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**FREEBOARD** — The difference between the design flow elevation in the emergency spillway and the top of the settled embankment.

**FUTURE RIGHT-OF-WAY** —

- A. Right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads;
- B. A right-of-way established to provide future access to or through undeveloped land.

**GARAGE, PRIVATE** — An enclosed or covered space for the storage of one or more vehicles, provided that no business, occupation, or service is conducted for profit therein, nor space therein for more than one car is leased to a nonresident of the premises.

**GARAGE, PUBLIC** — Any garage, other than a private garage, and which is used for storage, repair, rental, servicing, or supplying of gasoline or oil to motor vehicles.

**GARDEN APARTMENT** — A two-story multifamily dwelling, containing one-story dwelling units, under one ownership.

**GARDEN STRUCTURES** — Any accessory structure which may be occupied for other than sleeping, or general housekeeping purposes, or which serves as a shelter primarily for human beings (except a permitted garage, porch or carport) which is located in any side or rear yard not closer than two feet to any side or rear lot line; included in this category of structures are arbors, aviaries, pergolas, trellises, barbecue shelters, lath houses, private green houses and freestanding screens or baffles and similar structures as however called. No such structure may be located in any required front yard between the building setback line and the street line. Such structures may be solidly roofed and walled or open to the sky and on the sides, but if solidly roofed or solidly walled on more than two sides, they must be located within the building line of the lot and may not invade any required yard. Unscreened, unroofed, unwalled or unfenced patios, birdbaths, ornamental pools and swimming pools are not considered as garden structures. Permitted structures may be attached to or be detached from a dwelling.

**GOVERNING BODY** — The Board of Supervisors of Rye Township.

**GRASSED WATERWAY** — A natural or man-made drainageway of parabolic or trapezoidal cross section shaped to required dimensions and vegetated for safe disposal of runoff. (Also known as a "swale.")

**HOLDING POND** — A retention or detention pond.

**HOME OCCUPATION** — An accessory use of a service nature customarily conducted within a single-family detached dwelling by the residents thereof, which is clearly incidental and secondary to the use of a dwelling for dwelling purposes, does not change the character



thereof, or have any exterior evidence of secondary use other than a small nameplate in connection thereof and which shall not exceed 216 square inches in area.

**HOMEOWNERS' ASSOCIATION** — An incorporated, nonprofit organization operating under recorded land agreements through which:<sup>5</sup>

- A. Each lot and/or homeowner in a planned unit or other described land area is automatically a member;
- B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property; and
- C. The charge if unpaid becomes a lien against the property.

**HOTEL** — A building used as the more or less temporary abiding place of 16 or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite. A hotel may include restaurants, newsstands and other accessory services primarily for serving its occupants.

**HUB HEIGHT** — The distance measured from the surface of the tower foundation to the height of the wind turbine hub to which the blade is attached.

**IDENTIFIED FLOOD-PRONE AREA** — The floodplain area specifically identified in Chapter 360, Zoning, as being inundated by the one-hundred-year flood. Included would be areas identified as floodway (FW), flood-fringe (FF) and general floodplain (FA).

**IMPROVEMENTS** — Those physical changes to the land necessary to produce usable and desirable lots from raw acreage, including but not limited to: grading, paving, curb, gutter, storm sewers and drains, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply facilities, and sewerage disposal facilities.

**INDUSTRIAL PARK** — A tract of land eminently suitable for industrial use, subdivided and developed according to a Comprehensive Plan for occupancy by a group of industries, equipped with streets and necessary utilities, and conforming in all respects with the requirements of Chapter 360, Zoning.<sup>6</sup>

**INTENSIVE AGRICULTURAL USE** — Any activity that exceeds any of the following thresholds:

- A. Any agricultural operation involving more than 10 acres in total area of operation.
- B. Any activity that maintains livestock at a rate of more than one animal equivalent unit per five acres, exclusive of all poultry or fowl.
- C. Any activity that maintains poultry or fowl at a rate of more than 1/2 animal equivalent unit per acre.

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5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- D. Any activity that involves the deposit of manure or sewage sludge on areas exceeding one gross acre, that does not also involve any substantial farming or agricultural activity on the same site or is a part of a contiguous farming operation.

**JUNKYARD** — Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, parked, stored, disassembled or handled; including auto wreckage yards, house wrecking yards, used lumber yards, and places or yards for storage or salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building; and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery and the processing of used, discarded or salvaged materials as part of manufacturing operations.

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

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

**LAND DISTURBANCE** — Any activity involving grading, tilling, digging, filling of ground, stripping of vegetation or earthmoving activities that change the natural contour of the land or divert surface or subsurface water flows; placement of fill within designated floodplains or in or adjacent to any watercourse; construction activities associated with the subdivision or development of land; and increases in impervious cover of more than 5,000 square feet.

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

**LAUNDROMAT** — A service establishment for the on-site renting of washing machines, exclusive of facilities provided as an accessory use in an apartment house.

**LODGE** — The meeting place of a branch of some societies.

**LOT** — A designated parcel, tract or area of land established by a plan or otherwise as permitted by law and to be used, developed, or built upon as a unit. Land occupied or to be occupied by a building and its accessory buildings, or by an approved dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of Chapter 360, Zoning, having not less than the minimum area and width required by Chapter 360, Zoning, for a lot in the district in which such land is situated, and having its principal frontage on a street.<sup>7</sup>

**LOT AREA** — The area contained within the property lines of a lot as shown on a subdivision plan, excluding space within any street, but including the area of any easement.

**LOT, CORNER** — A lot at the junction of and abutting on two or more intersecting streets or private roads or at the point of abrupt change of a single street or private road, where the interior angle is less than 135° and the radius of the street or private road line is less than 100 feet.

**LOT, DEPTH OF** — The average horizontal distance between the front and rear lot lines.

**LOT, MINIMUM WIDTH OF** — The minimum lot width at the building setback line.

**LOT SLOPE** — The rate of change of the ground surface; computed by dividing the vertical elevation difference of adjacent two-foot contours by the horizontal distance between the same adjacent two foot contours; expressed in percentage form.

**LOT WIDTH** — The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

**MARQUEE** — Any hood, canopy, awning or permanent construction that projects from a wall of a building, usually above an entrance.

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

**MINIMUM DISTURBANCE/MINIMUM MAINTENANCE AREA** — Existing wooded and vegetated areas within a building lot in which clearing of trees and vegetation of benefit to

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7. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

wildlife is restricted and disturbance in the form of excavation or regarding is restricted by deed.

**MINOR IMPROVEMENTS** — Minor improvements shall include the construction of a single-family dwelling on a previously subdivided complying lot, the construction of an addition to an existing single-family dwelling, minor grading on a previously subdivided complying lot with a total disturbed area of less than one acre for the purposes of landscaping and or construction on the lot, or the construction of a driveway for a single-family dwelling unit on a previously subdivided complying lot.

**MOBILE HOME** — A transportable single-family dwelling, intended for permanent occupancy or office or place of assembly and contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. Mobile home units placed in parks shall meet the requirements for mobile home parks. Mobile home units placed on individual lots shall be considered dwellings, and be bound by the requirements therein imposed except that the permanent foundation may consist of concrete or cement block piers extending from below the frost line to the first floor of the mobile home unit and having a fully enclosed perimeter consisting of a permanently attached skirting specifically designed for this purpose.<sup>8</sup>

**MOBILE HOME LOT** — A parcel of land, located in a mobile home park and improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home unit, which is leased by the park owner to the occupants of the mobile home unit erected on the lot.

**MOBILE HOME PARK** — A parcel or contiguous parcels of land under single ownership that has been so planned, designated, and improved that it contains two or more mobile home lots for the placement thereon of mobile home units for a nontransient use.

**MOTEL** — A building or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances and designated for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, tourist cabins, motor lodges, and similar terms.

**MUNICIPAL AUTHORITY** — A body, politic and corporate, created pursuant to 53 Pa.C.S.A. § 5601 et seq., known as the "Municipality Authorities Act."<sup>9</sup>

**MUNICIPAL ENGINEER** — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

**MUNICIPALITY** — Rye Township, Perry County, Pennsylvania.

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8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**NEIGHBORHOOD SHOP** — A building, lot or premises performing a local neighborhood service to include such uses as drugstore, grocery store, barbershop, beauty parlor, and tea room.

**NO-IMPACT HOME OCCUPATION** — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling, and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including but not limited to parking, signs or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- H. The business may not involve any illegal activity.

**NONCONFORMING LOT** — A lot, the area, dimension or location of which was lawful prior to the adoption, revision, or amendment of the Chapter 360, Zoning, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located.

**NONCONFORMING SIGN** — Any sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

**NONCONFORMING STRUCTURE** — A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

**NONCONFORMING USE** — A use or activity, whether of land or of structure, that was lawfully in existence prior to the adoption, revision or amendment of a zoning ordinance, but

which fails, by reason of such adoption, revision or amendment, to comply with the applicable use provisions of such ordinance or to conform to the present requirements of the zoning district.

**NONPARTICIPATING LANDOWNER** — Any landowner except those on whose property all or a portion of a wind energy facility is located pursuant to an agreement with the facility owner or operator.

**NURSING HOME** — A proprietary facility, licensed by a governmental authority, for the accommodation of persons who require skilled nursing care and related medical services, but are not in need of hospital care. A housing project for the elderly is distinguished from a nursing home in that an elderly project is primarily of a residential character with only incidental nursing facilities, while a nursing home is primarily designated and used for the care of convalescent or ill persons.

**OCCUPIED BUILDING** — A residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.

**OFFICIAL MAP** — A map adopted by ordinance pursuant to Article IV, of the Act of July 31, 1968 (P.L. 850, Article IV, Section 401).<sup>10</sup>

**OFF-STREET PARKING SPACE** — A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

**ON-SITE STORMWATER MANAGEMENT** — The control of runoff to allow water falling on a given site to be absorbed or retained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

**OPEN SPACE** — That portion of the land open to the sky and usually reserved in a natural state or for agricultural or outdoor recreational use.

**OPEN SPACE, COMMON** — Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or the enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

**OPERATOR** — The entity responsible for the day-to-day operation and maintenance of the wind energy facility.

**PANHANDLE LOT** — A lot which is designed in such a manner that it is connected to a public street by a twenty-foot wide strip of land which is an integral part of the lot but not used in determining the applicable minimum lot area requirement. The minimum lot area requirement shall be determined by using that portion of the lot where the minimum lot width dimension is achieved.

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**10. Editor's Note: See 53 P.S. § 10401.**

**PARCEL** — A tract, or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

**PARKING LOT, COMMERCIAL** — A permanently surfaced area of one or more parking spaces designed or used for the parking of self-propelled vehicles and available to the public, whether for a fee or as an accommodation to clients or customers.

**PARKING SPACE** — The space within a building, or on a lot or parking lot, for the parking or storage of one automobile.

**PENTHOUSE** — A structure located on the roof of the main building for purposes of living accommodations or mechanical equipment. When the area of the penthouse exceeds 20% of the area of the roof or when the penthouse is to be occupied by persons, the penthouse shall be considered as another story.

**PERCOLATION TEST** — A procedure to determine the absorption rate of the soil in an area proposed as the installation site for an on-lot septic system. Such a test will be carried out according to the requirements of the Pennsylvania Department of Environmental Protection.

**PERMITTED USES** — Uses authorized and requiring approval.

**PERSON** — Any individual or group of individuals, partnership, or corporation.

**PERSONAL STANDALONE WIND TURBINES** — Wind turbines constructed primarily to generate electricity for use on the property which the wind turbine is located. Personal standalone wind turbines shall have a maximum output of 2.5 kW at 14 mph wind speed, and shall produce a maximum noise level of 35 decibels at all wind speeds.

**PLAN** — The map or plan of a subdivision or land development whether preliminary or final.

**PLANNED RESIDENTIAL DEVELOPMENT** — An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units or combination of residential and nonresidential uses, the development plan for which does not necessarily correspond, in lot size, bulk, type of dwelling, use, density, intensity, lot coverage, and required open space, to the regulations established in any one residential district created under the provisions of Chapter 360, Zoning.<sup>11</sup>

**PLANNING CODE** — The Pennsylvania Municipalities Planning Code, Act 247, dated July 31, 1968, as amended.<sup>12</sup>

**PLANNING COMMISSION** — Rye Township Planning (and Zoning) Commission.

**PRIVATE ROAD** — A legally established right-of-way that may provide vehicular access to not more than three lots.

**PROPERTY** — A lot or plot, including all buildings and improvements thereon.

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11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

12. Editor's Note: See 53 P.S. § 10101 et seq.

PROPERTY LINE — A recorded boundary of a plot.

PUBLIC GROUNDS — Includes:

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

PUBLIC HEARING — A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to the taking of action in accordance with the Act of July 31, 1968 (P.L. 805, No. 247), as amended, known as "Municipality Planning Code."

PUBLIC MEETING — A forum held pursuant to notice under 65 Pa.C.S.A. § 701 et seq., known as the "Sunshine Act."<sup>13</sup>

PUBLIC NOTICE — Notice given not more than 30 days and not less than seven days in advance of any public hearing required by this chapter. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.

PUBLIC SYSTEM — A water or sewerage system that is owned and operated by a local government authority or by a local utility company adequately controlled by a governmental authority.

RAMP — A sloping walkway providing access to and from floors at different elevations.

RECREATIONAL VEHICLE — A vehicular type portable structure without permanent foundation which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and, including but not limited to travel trailers, truck campers, camping trailers and self-propelled motor homes.

RECREATIONAL VEHICLE PARK or CAMPGROUND — A parcel of land under single ownership which has been planned and improved for the placement of recreational vehicles or camping equipment, on recreational vehicle or campground lots that are rented for temporary living quarters for recreational, camping, or travel use, thereby constituting a "land development."

RECREATIONAL VEHICLE PARK or CAMPGROUND LOT — A parcel of land abutting a street or private road occupied by one recreational vehicle or camping equipment for temporary living quarters, for recreational, camping, or travel use, together with such open space as required under the provisions of Chapter 360, Zoning, having not less than the minimum area and width required by Chapter 360, Zoning, for a recreational vehicle park or campground lot.<sup>14</sup>

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13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



**REHABILITATION** — The rehabilitation of one or more properties to a satisfactory improved physical condition overcoming existing deterioration and aiding in the improvement of its neighborhood. Rehabilitation may include additional new construction, buildings or additions.

**RESERVE STRIP** — A narrow parcel of ground separating a street from other adjacent properties.

**RESIDENTIAL HOTEL** — A hotel used by 16 or more permanent guests only and not by transients.

**RESTRICTIVE SLOPE** — Land area where the inclination of the land's surface from the horizontal is 25% or greater, and areas outlined in the NRCS Soil Survey.

**RETENTION STRUCTURE** — A pond, swale, or other structure containing a permanent pool of water designed to store runoff for a given storm event and release it at a predetermined rate.

**RIDING ACADEMY** — An establishment where horses are kept for riding or driving, or are stabled for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

**RIGHT-OF-WAY, PRIVATE** — A privately owned thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, road, lane, alley, or however designated serving up to three lots.

**RIGHT-OF-WAY, PUBLIC** — A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

**RIPARIAN BUFFER ZONE** — Areas immediately adjacent to the Township's perennial streams, areas of springs, watercourses, and areas deemed by the Township to possess environmental value [see § 320-32B(6)].

**ROAD** — A public or private right-of-way that provides a public means of access to an abutting property. The term "road" shall include street, avenue, drive, circle, highway or similar term.

**ROADSIDE STAND** — A structure designed or used for the display or sale of neighborhood agricultural products or other goods produced on the premises upon which such a stand is located.

**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.

**RURAL OCCUPATIONS** — An accessory business use to a principal single-family detached dwelling in which the owners engage in an occupation contained within an accessory building.

**SCREEN PLANTING** — A vegetative material of sufficient height and density to conceal from view in adjoining districts the structures and uses on the premises upon which the screen planting is located.

**SEASONAL HIGH-WATER TABLE** — The highest level of a saturated zone in the soil within three feet of the surface during the wettest season. It is at least six inches thick and persists in the soil for more than a few weeks.

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

**SEEPAGE PIT** — A covered pit with open jointed lining through which the septic tank effluent may seep or leach into the surrounding soil.

**SEPTIC TANK** — A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

**SETBACK** — The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

**SEWAGE DISPOSAL SYSTEM (ON-SITE)** — Any structure designed to eliminate sanitary sewage within the boundaries of the lot.

**SEWAGE DISPOSAL SYSTEM (PUBLIC)** — A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**SHADOW FLICKER** — Alternating changes in light intensity caused by the moving wind rotor blade casting shadows on the ground and stationary objects.

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

**SIGN** — Any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

**SIGN AREA** — The area defined by the frame or edge of a sign. Where there is no frame or edge to the sign, the area shall be defined by a projected, enclosed, four-sided (straight sides) geometric shape that most closely outlines the said sign.

**SIGN, BUSINESS** — A sign that directs attention to a use conducted, product or commodities sold, or service performed upon the premises.

**SLOPE** — The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**SOIL PERCOLATION TEST** — A field test conducted to determine the absorption capacity of soil to be a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

**SOIL STABILIZATION** — Chemical or structural treatment designed to increase or maintain the stability of a mass of soil or otherwise to improve its engineering properties.

**SOLAR ACCESS** — A property owner's right to have the sunlight shine on his land.

**SPECIAL EXCEPTION** — Permission or approval of a use for which the Zoning Hearing Board may grant a special use permit pursuant to applicable provisions of Chapter 360, Zoning, and following a public hearing.<sup>15</sup>

**STABLE, PRIVATE** — An accessory building in which horses are kept for private use and not for hire, remuneration, exhibition, or sale.

**STABLE, PUBLIC** — A building in which any horse is kept for remuneration, hire, exhibition, or sale.

**STAFF** — The technical staff of the Perry County Planning Commission, unless otherwise designated by the Rye Township Planning Commission.

**STEEP SLOPE** — Land area where the inclination of the land's surface from the horizontal is between 15% and 25%.

**STORAGE STRUCTURE** — A retention or detention structure.

**STORMWATER MANAGEMENT** — The control of runoff to allow water falling on a given site to be absorbed, retained, or detained on site to the extent that after development the peak rate of discharge leaving the site is not significantly different than if the site had remained undeveloped.

**STORMWATER MANAGEMENT PLAN** — A surface drainage plan showing all present and proposed grades and facilities for stormwater drainage and stormwater management.

**STORY** — A story is that part of a building between the surface of any floor and the next floor above it or, in its absence, then the finished story if its floor level is six feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a building which is more than two feet below the top plate shall be counted as a story; and, if less than two feet below the top plate, it shall be counted as a half-story. A basement shall be counted as a story if it averages more than five feet above grade.

**STREET LINE** — The street line is that line determining the limit of the street or highway right of the public, either existing or contemplated. Where a definite right-of-way width has not been established, the street line shall be assumed to be at a point 25 feet from the center line of the existing street.

**STREET, PRIVATE** — A strip of land, including the entire right-of-way, undedicated, and for private use of up to three lots as a means of vehicular and pedestrian access.

**STREET, PUBLIC** — A strip of land, including the entire right-of-way, intended to be dedicated for use as a means of vehicular and pedestrian circulation by the public at large.

**STRUCTURAL ALTERATION** — Any change in the structural members of a building, such as walls, columns, beams or girders.

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15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**STRUCTURE** — Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. Any combination of materials, other than a building which forms a construction that is safe and stable, including but not limited to flagpoles, stadiums, platforms, towers, sheds, storage bins, gas pumps, fences exceeding four feet in height, signs, sign posts, lights, and light standards for other than residential use but excepting patios, driveways, walks and parking areas at yard grade.

**SUBDIVIDER** — See "applicant."

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

**SUBSTANTIALLY COMPLETE** — Where, in the judgment of the Municipal Engineer, at least 90% (based upon the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Municipalities Planning Code<sup>16</sup>) of the improvements required as a condition for final approval had been completed in accordance with the approved plan, the project will be able to be used, occupied, or operated for intended use.

**SURVEYOR** — Professional land surveyor registered by the Commonwealth of Pennsylvania.

**SWALE** — A low lying stretch of land characterized as a depression used to carry surface water runoff.

**THEATER** — A building or part of a building devoted to the showing of moving pictures of theatrical productions on a commercial basis.

**THEATER, OUTDOOR DRIVE-IN** — An open lot or part thereof with its appurtenant facilities devoted primarily to the showing of moving pictures or theatrical productions on a commercial basis to patrons seated in automobiles or on outdoor seats.

**TILE DISPOSAL FIELD** — A system of open jointed or perforated pipes laid in the upper strata of the soil for absorption.

**TOP SOIL** — Surface soils and subsurface soils which, presumably, are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

**TOURIST HOME** — A dwelling in which transient guests use overnight accommodations for compensation.

**TOWNHOUSE** — See "dwelling, single-family, attached."

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16. Editor's Note: See 53 P.S. § 10509.

TOWNSHIP — The Township of Rye, Perry County, Pennsylvania, Board of Supervisors, its agents or authorized representatives.

TRAILER CAMP OR COURT — See "camp."

TRAILER, INCLUDING AUTOMOBILE TRAILER — Any vehicle or structure constructed in such a manner as to permit the conduct of any business, trade or occupation or use as a selling or advertising device and so designed that it is or may be mounted on wheels and moved upon highways and streets, propelled or drawn by its own or other motor power, including automobile trailers, truck trailers, trailer coaches, buses, street cars and all similar devices, and not designed for permanent residence.

TRANSFERABLE DEVELOPMENT RIGHTS — The attaching of development rights to specified lands which are desired by the municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the municipality where more intensive development is deemed by the municipality to be appropriate.

TURBINE HEIGHT — The distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.

UNDEVELOPED LAND — Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

UNIQUE NATURAL FEATURES OR AREAS — Natural objects or environs of unusual aspect and quality preserved for open space and passive recreation to protect and promote the health, safety and welfare of present and future residents of the Township, including, but not limited to the following:

- A. Large trees (greater than 24 inches DBH);
- B. White pine, beech and hemlock groves (woodlands with greater than 50% of the individual species indicated);
- C. Diverse wetlands and wetlands of exceptional value;
- D. Critical wildlife habitat and endangered plants in accordance with the PNDI (Pennsylvania Natural Diversity Inventory of the Pennsylvania Nature Conservancy);
- E. Densely vegetated mountain laurel areas;
- F. Rock outcroppings and bouldery dystrochrepts;
- G. Seeps, springs, and vernal ponds;
- H. Scenic vistas and views.

UNIT — A part of the property, structure, or building designed or intended for any type of independent use which has direct exit to a public street or way, or to a common element or common elements leading to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements which is assigned to the property, structure or buildings.

**USABLE OPEN SPACE** — A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use or enjoyment of residents of the subdivision or mobile home park or other development, not including streets, off-street parking areas and areas set aside for public facilities.

**USE** — The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

**VARIANCE** — The permission granted by the Zoning Hearing Board, following a public hearing that has been properly advertised as required by the appropriate municipal code, for an adjustment to some regulation which if strictly adhered to would result in an unnecessary hardship, and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of this chapter.

**VISUAL SCREEN** — A well-maintained hedge, landscaped berm, or other vegetative materials which, upon planting or installation, is both of a minimum height of five feet and of sufficient density to conceal from the view of adjacent properties the structures and uses on the premises where the screening is located. Up to 30% of the screening may be accomplished by using a fence or wall.

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

**WATER SURVEY** — An inventory of the source, quantity, yield and use of groundwater and surface water resources within a municipality.

**WATERCOURSE** — A stream of water (river, brook, creek) or a channel ditch or swale for water, whether natural or man-made.

**WETLANDS** — Areas that are inundated or 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 shall be identified and delineated in accordance with the United States Army Corps of Engineers Wetland Delineation Manual (1987). Wetlands values and functions include, but are not limited to, the following:

- A. Serving important natural biological functions, including food chain production; general habitat; and nesting, spawning, rearing and resting sites for aquatic or land species.
- B. Being set aside for study of the environment or as sanctuaries or refuges.
- C. Maintaining natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, natural water filtration processes, current patterns or other environmental characteristics.
- D. Shielding other areas from wave action, erosion or storm damage. These kinds of wetlands are often associated with barrier beaches, islands, reefs and bars.
- E. Serving as a valuable storage area for stormwater and floodwater.

- F. Providing a groundwater discharge area that maintains minimum baseflows important to aquatic resources or serves as prime natural recharge area. A prime recharge area is a location where surface water and groundwater are directly interconnected.

**WIND ENERGY FACILITY** — An electric generating facility whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.

**WIND TURBINE** — A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower and pad transformer, if any.

**YARD** — An unoccupied space, other than a court, open to the sky, on the same lot with a building or structure.

**YARD, BUFFER** — A yard covered with vegetation and intended to provide an area of separation between different districts or uses.

**YARD, FRONT** — A yard situated between the front street line and the front building line. The depth of the front yard shall be measured between the front building line and the front street line. The width of the front yard, at any point between the front building line and the front street line, shall not be less than the width required at the front building line in any zoning district, except that, where the front street line abuts a cul-de-sac street, the width at the front street line shall be not less than 75% of the width required at the front building line.

**YARD, REAR** — An open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot and the rear line of the building. A building shall not extend into the required rear yard.

**YARD, SIDE** — An open unoccupied space on the same lot with the building between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. A building shall not extend into the required side yards.

**ZERO LOT LINE** — The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

**ZONING** — The demarcation of the municipality into zones or areas, and the application of Chapter 360, Zoning, to establish regulations to govern the use of the land, including the control of location, bulk, height, shape, use and coverage of structures within each zone in accordance with the purposes as given in Section 604 of the Planning Code.<sup>17</sup>

**ZONING MAP** — The Zoning Map of the municipality adopted by Chapter 360, Zoning, together with all amendments thereto subsequently adopted.<sup>18</sup>

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17. Editor's Note: See 53 P.S. § 10604.

18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

**ZONING OFFICER** — The duly constituted municipal official designated to administer and enforce Chapter 360, Zoning. The Zoning Officer shall administer Chapter 360, Zoning, in accordance with its literal terms. The Zoning Officer may be the Building Inspector and serve both offices of Rye Township.<sup>19</sup>

**ZONING PERMIT** — A permit, as part of the building permit, stating that the purpose for which a building or land is to be used is in conformity with the uses permitted, and all other requirements under Chapter 360, Zoning, for the zone in which it is located or is to be located.<sup>20</sup>

### ARTICLE III

#### **General Procedures, Minor Plans, Master Plans, and Fee Schedules**

##### **§ 320-10. Prior to submission.**

- A. Copies of this chapter shall be available on request, at cost, for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within the Township. Any prospective applicant may meet with the Township Planning Commission to review and discuss tentative plans, concepts, and/or the provisions of this chapter.
- B. No plans, except sketch plans, will be considered by the Planning Commission unless the applicant submits said plans to the Township not less than 15 regular business days prior to a regularly scheduled meeting of the Planning Commission.

##### **§ 320-11. Submittal of plans.**

- A. Whenever a subdivision of land or land development is desired to be effected in Rye Township, Perry County, Pennsylvania, the applicant shall comply with the timing requirements set forth in § 320-10B of this chapter and the content requirements and submission process for preliminary plans as provided for in Article V. The applicant shall submit to the Township, and the Township shall distribute the required number of copies to the agencies and entities concerned. If the applicant makes substantial revisions in his plans after they have been approved as preliminary plans, such revised plans shall be treated as preliminary plans when resubmitted, subject to additional review prior to requisite re-approval of amended preliminary plans.
- B. Upon approval of the preliminary plans, the applicant shall comply with the timing requirements set forth in § 320-10B of this chapter and with the content requirements and submission process for final plans as provided for in Article VI. The applicant shall submit to the Township, and the Township shall distribute the required number of copies to the Township agencies and entities concerned.
- C. Mobile home park plans shall be submitted and reviewed in the same manner as subdivision and land development plans.

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<sup>19</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

<sup>20</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).



**§ 320-12. Plan application completeness review.**

- A. Initial application. The Township shall have seven business days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all information required by this chapter. If defective, the application shall be returned to the applicant with a statement explaining the reason(s) of rejection, within 12 business days following the date of submission by the applicant; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. Under this section, the applicant may appeal a decision by the Township to the Board of Supervisors.
- B. Amendments or corrections to an application. The Township shall have seven business days from the date of submission of an amended or corrected application or plan to determine whether such amended or corrected application results in a substantial amendment to the plan or if the application or plan filed changed so as to be considered a new plan. If the Township determines that the amended or corrected application constitutes a substantial amendment, the applicant shall be informed of the determination within 12 business days from the date of the submission of the amended or corrected application, and the Township shall further inform the applicant that the Township shall consider the ninety-day review procedure to have been restarted as of the date of the filing of the substantial amendment. If the Township determines that the amended or corrected application constitutes a new plan, the Township shall inform the applicant and shall inform the applicant that a new application and new fees are required. Under this section, the applicant may appeal a decision by the Township to the Board of Supervisors.

**§ 320-13. Status of approved plans; hearings.**

- A. From the time an application for approval of a subdivision and/or land development plan, 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 Chapter 360, Zoning, this chapter, other governing ordinance or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.
- B. In addition, when a preliminary plan has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary plan as hereinafter provided.
- C. However, if a plan is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- D. When a plan for approval, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in Chapter 360, Zoning, this chapter 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 years from such approval.

- E. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- F. Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of Township ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
- G. In the case of a preliminary plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plan delineating all proposed sections, as well as deadlines within which applications for final plan 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 plan approval, until final plan 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.
- H. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 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 the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan approval, including compliance with landowner's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five years shall apply. For any section or sections beyond the initial section in which the required improvements have not been substantially completed within said five-year period, the aforesaid protections shall apply for an additional term or terms of three years from the date of final plan approval for each section.
- I. Failure of landowner to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such section to any and all changes in Chapter 360, Zoning, this chapter and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission. Before acting on an application, the Board of Supervisors may hold a public hearing thereon after public notice.

**§ 320-14. Minor subdivision plans.**

- A. Applicants may submit a plan, in accordance with all standards and provisions relating to the required content, submission, processing, review, approval, and recording of final plans set forth in this chapter, without the necessity of prior preliminary plan submission

and approval or request and approval of a waiver of preliminary plan, in the following cases:

- (1) Lot add-ons.
    - (a) A lot add-on plan shall only be prepared for the purposes of the conveyance of land for the sole purpose of increasing the size of a contiguous parcel.
    - (b) The lot add-on plan shall not create any additional lot(s).
    - (c) A lot add-on plan shall not result in any nonconformity with the design standards found in Article VII of this chapter.
    - (d) A lot add-on shall not alter the site and/or existing stormwater management facilities in a manner that affects the discharge of stormwater to any adjacent property or significantly relocates a major stormwater management facility within the project.
    - (e) A lot add-on shall not alter a recorded plan or revise any approved final plan which had not yet been recorded.
  - (2) Certain residential subdivisions. Residential subdivisions that propose the following:
    - (a) The creation of five or fewer lots either individually or cumulatively (including the remaining parent tract); and
    - (b) Which does not require provisions for a new street.
- B. Except as provided in § 320-14A of this chapter, for all other subdivision and/or land development plans applicants shall submit plans, in accordance with all standards and provisions relating to the required content, submission, processing, review, approval and recording of both preliminary and final plans as set forth in this chapter.

**§ 320-15. Overall master plan requirement.**

- A. If the total of all lots subdivided or space occupied from a parcel or tract of land exceeds five lots or occupants within the last five years, it shall be incumbent upon the applicant to submit to the Township an overall master plan.
- B. When an applicant proposes a subdivision and/or land development plan that does not meet the standards for a minor plan set forth in § 320-14A of this chapter and requests a waiver from submission and approval of a preliminary plan, it shall be incumbent upon the applicant to submit to the Township an overall master plan of the parcel or tract of land at the time of the initial plan submission and before any further subdividing or land development plans may be approved by the Township. Such overall master plans shall illustrate the following features in general terms without the necessity of detailed engineering design:
  - (1) The property lines of the host parcel and of all lots previously subdivided or space occupied.

- (2) Generalized lot layout with intended considerations for sewer, water, roadway, and storm drainage control.
  - (3) Generalized location of major topographic features, such as swales, watercourses, rock outcroppings, and related characteristics.
  - (4) Generalized indication of the use or uses of the property in terms of the uses permitted by Chapter 360, Zoning.
  - (5) The overall master plan shall be submitted at a scale not smaller than one inch equals 500 feet.
- C. Effect of overall master plan. The overall master plan will be used by the Township to assist in evaluating further subdivision or land development submittals of the applicant. When, on the recommendation of the Planning Commission and action of the Board of Supervisors, it is deemed that further subdivisions or land developments depart substantially from the concepts presented in the overall master plan, a revised master plan shall be required prior to approval of any future plans of the application.

#### **§ 320-16. Fees.**

The Board of Supervisors shall, by resolution, establish a fee schedule for the review and processing of plans and inspection of improvements. Review fees shall include reasonable and necessary charges by the Township's professional consultants for review and report thereon to the Township. The resolution setting forth such fees shall set forth fees in accordance with the ordinary and customary charges by the Township's professional consultants for similar services in the community, but in no event shall the fees established by said resolution exceed a rate or cost charged by the Township's professional consultant to the Township when fees are not reimbursed or otherwise imposed upon applicants.

- A. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than 45 calendar days after the date of transmittal of the bill to the applicant, explain the basis of their objections to the fees charged. Notification shall be made, in writing, to the Township that such fees are disputed. The Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
- B. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, the applicant and the Township shall follow the procedure for dispute of resolution as set forth in Article X, § 320-75G, of this chapter.
- C. Subsequent to a decision on an application, the Board of Supervisors shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.

**§ 320-17. Approved final plan deposit.**

Upon approval of final plans, a deposit in the amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township office shall be made to the Township. Within 15 regular business days of recording the final plan, the applicant will return two copies of the recorded plan to the Township, and said deposit shall be returned to the applicant. When copies of recorded plans are not provided within the stated time period, said deposit shall be forfeited by the applicant and used to offset the costs of obtaining such copies.

## ARTICLE IV

**Voluntary Sketch Plan Submission****§ 320-18. Sketch plan option.**

Prior to the submission of a preliminary plan, applicants at their option may submit a sketch plan to the Township. This will enable the Planning Commission to review the proposal and to make any suggestions or discuss with the applicant any proposed plans or factors that may affect the subdivision and/or land development. Submission and review of a sketch plan shall not constitute official submission of a plan to the Township.

**§ 320-19. Suggested information.**

The following information is suggested to be contained on a sketch plan:

- A. A plan designated "sketch plan" drawn at a scale not smaller than one inch equals 200 feet.
- B. An approximate key map showing the generalized location of the tract and adjacent streets.
- C. Tract boundaries with approximate dimensions.
- D. North point.
- E. Major topographic features, such as swales, floodplain areas, major tree stands and rock outcroppings, and other significant existing site features as outlined in Article V, § 320-22M.
- F. Proposed generalized street and lot layout with information as to the kinds of uses contemplated and including intended considerations for sewage systems, water facilities, roadway, and storm drainage control.
- G. The name of the property owner(s) and date.

**§ 320-20. Sketch plan review.**

- A. The Planning Commission shall review and discuss the sketch plan, and normally includes the following items.

- (1) Lot layout.
  - (2) Proposed street layout to consider compatibility with existing and future Township road system and if the grades are in compliance with this chapter.
  - (3) Erosion and sediment control needs and requirements.
  - (4) Sewage disposal and water needs and requirements.
  - (5) Land subject to flooding.
  - (6) Impacts on natural features.
  - (7) Consideration of the various permits and requirements of different governmental units and sources of information for each.
- B. The overall sketch plan will be used by the Township and applicant to assist in evaluating further subdivision or land development submittals of the applicant. When on the recommendation of the Planning Commission and action of the Board of Supervisors it is deemed that further subdivisions and/or land developments depart substantially from the concepts presented in the overall sketch plan, a revised sketch plan shall be prepared prior to submittal of any future plans by the applicant.

## ARTICLE V

### Preliminary Plan Submission

#### § 320-21. Preliminary plan submission procedures.

- A. The applicant submitting a preliminary plan shall comply with § 320-10B of this chapter regarding the timing of submissions.
- B. The applicant shall submit to the Township the following:
  - (1) Two copies of the Application for Review of Preliminary Subdivision or Land Development Plan (see Appendix A: Application Form<sup>21</sup>);
  - (2) Two copies of all reports, notifications, certifications, and requests for alterations (see Appendix B: Preliminary Plan Checklist<sup>22</sup>);
  - (3) Twelve copies of the preliminary plan;
  - (4) Filing and review escrow fees in the amounts specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township office.

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21. Editor's Note: Appendix A is included as an attachment to this chapter.

22. Editor's Note: Appendix B is included as an attachment to this chapter.

**§ 320-22. Preliminary plan specifications and contents.**

The preliminary plan submittal shall contain the following:

- A. Plans shall be on sheet sizes no larger than 24 inches by 36 inches and drawn to a scale not smaller than one inch equals 100 feet. Where more than two sheets are required, an overall key sheet shall be provided. A set of plans shall consist of uniformly sized drawings.
- B. The designation "preliminary plan."
- C. Proposed project name and municipality or municipalities in which located.
- D. North arrow, graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each revision, if any, within a revisions block.
- E. Name and address of record owner; and name of applicant if different from owner.
- F. Name and address of the Pennsylvania registered professional engineer certifying engineering aspects of the plan, and a certification of the accuracy of the plan surveys by a Pennsylvania registered professional land surveyor responsible for preparation of the plan. All plans and surveys shall be prepared in accordance with the Act of May 23, 1945 (P.L. 534, No. 120), as amended.<sup>23</sup>
- G. Names of all abutting property owners and respective deed references.
- H. A location map for the purpose of locating the property being developed, showing the relationship of adjoining property to all streets, roads and municipal boundaries. The location map shall be oriented identical to the plan and be prepared at a scale not less than one inch equals 2,000 feet.
- I. Boundaries of the property being developed showing bearings and distances, at a scale of not less than one inch equals 400 feet, and a statement of total acreage of the property.
- J. Reference to recorded subdivision plats within 1,000 feet of proposed subdivision and/or land development with recorded names, date and number of each subdivision.
- K. Purpose for which sites other than buildable lots are dedicated or reserved.
- L. Zoning data for the district or districts, including boundary lines of districts within which the proposed development is located. In addition, a table format shall be provided that indicates the required and the proposed standards for the building setbacks, building height, impervious coverage, parking requirements, and other items as directed by the Planning Commission. Also include any changes in the existing zoning to be requested by the applicant.
- M. Topographical cultural, historical, and natural features to include the following:

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23. Editor's Note: See 63 P.S. § 148 et seq.

- (1) Existing buildings or other structures and cultural features, including utilities, existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, or other man-made features within the proposed subdivision tract and within 200 feet of the boundaries of the proposed subdivision tract.
  - (2) Existing accesses, rights-of-way, and driveways, existing streets, including streets of record (recorded but not constructed), on or adjoining the tract, including names, right-of-way widths, pavement widths and approximate grades.
  - (3) Location, width, and purpose of existing easements and utility rights-of-way within 200 feet of the proposed subdivision tract.
  - (4) Watercourses and drainage features (streams, lakes, ponds, springs, etc.).
  - (5) Soil types pursuant to "Soil Survey of Cumberland and Perry Counties, Pennsylvania," USDA NRCS, most recent version, bedrock outcrops, bouldery dystrochrepts, alluvial soils and high-water table soils shall be highlighted.
  - (6) Wetlands, identified and delineated pursuant to Chapter 105, "Dam Safety and Waterway Management," Pennsylvania Department of Environmental Protection (25 Pa. Code), with a statement documenting that a jurisdictional determination was issued by the United States Army Corps of Engineers, Baltimore District, or its designee, and all unique natural features or areas within or impacted by the project.
  - (7) Forested, wooded areas, and isolated tree masses where more than 50% of the tree mass is greater than six-inch diameter at breast height (DBH) and single trees with greater than six-inch DBH.
  - (8) Slope areas between 15% and 25% and greater than 25% determined in accordance with the procedures outlined in § 320-39 of this chapter.
  - (9) Other important or significant topographical, cultural, historical, and natural features as identified in the most recent version of the Rye Township Comprehensive Plan.
  - (10) Location of all cut and fill slope limits. Cut and fill slopes, if in excess of six vertical feet, shall be clearly and uniquely shown on the plans and designed in accordance with all applicable provisions of this chapter.
  - (11) Riparian buffer zones in accordance with provisions of Article VII, Design Standards, § 320-32, Natural resources conservation standards, Subsection B(6), Riparian buffer zones.
  - (12) Items in Subsection M(6) to (11) shall be prepared as separate layers in an electronic format and plotted in color.
- N. Existing and proposed contours of the proposed project at vertical intervals of two feet in those areas where construction is proposed or for land with average natural slope of 4% or less. The undeveloped portion and land with average natural slope of greater than 4% to be contoured at five-foot intervals, and may be taken from the USGS maps.



- O. Information as set forth in Article IX of this chapter relative to floodplain area regulations for all lands subject to flood as per Chapter 360, Zoning, Article XX, Floodplain Overlay District. The preliminary plan shall include:
- (1) Location and elevation of proposed roads, utilities, building sites, fills, flood or erosion protection facilities;
  - (2) The one-hundred-year flood boundaries and elevations; and
  - (3) Areas subject to special deed restrictions.
- P. The names, typical cross section, and widths of right-of-way, cartway and paving of proposed streets, alleys and easements.
- Q. The full plan of proposed development, including:
- (1) Location and width of all streets and rights-of-way, driveways and associated drainage facilities with a statement of any conditions governing their use.
  - (2) Suggested street names.
  - (3) Easement and right-of-way locations, purpose and stipulations.
  - (4) Building setback lines on all lots and other sites.
  - (5) Lot lines with approximate dimensions.
  - (6) A statement of the intended use of all nonresidential lots and parcels.
  - (7) Lot numbers, a statement of total number of lots and parcels and the lot size in square feet or acres for each lot.
  - (8) Sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
  - (9) Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, either public, semipublic or community purposes, which shall be of suitable size and location for their designated use.
  - (10) Location, width, and purpose of proposed easements and utility rights-of-way. A note indicating all proposed utilities shall be placed underground at the time of initial construction.
  - (11) Proposed cultural, historical, and natural features identified in the most recent version of the Rye Township Comprehensive Plan to be preserved with reference to and provision of proposed deed restrictions and protective and restrictive covenants and all other deed restrictions and deed covenants.
  - (12) Location of all percs and probes listing bearings and distances to the nearest lot corner. Indication of all probes that are unsuitable by using a shaded triangle symbol and indication of acceptable probes with an open triangle symbol.

- (13) Required one-hundred-foot wide separation zone from a well surrounding both the primary and secondary drain field areas.
- (14) Proposed walkways or trails to be developed within defined access easements for open space or common usage areas.
- R. A plan for providing utility service according to the standards set forth by the Public Utility Commission and other applicable state and federal regulations.
- S. In the case of subdivision or land development plans to be developed in phases, stages or sections, over a period of time, a map delineating each stage of section of the proposed subdivision or land development consecutively numbered so as to illustrate phasing of development and a schedule indicating the approximate time for which application for final approval of each stage, phase, or section is intended to be filed in accordance with Article III, §§ 320-12 and 320-13.
- T. The layout or arrangement of a subdivision or land development shall conform to the Rye Township Comprehensive Plan or any regulations or maps adopted thereto.

**§ 320-23. Supporting documentation.**

- A. Whenever any improvements are proposed in connection with a subdivision or land development, it shall be the responsibility of the applicant to provide adequate engineering and related designs, construction specifications, and ownership and maintenance responsibilities in accordance with the standards and requirements set forth in this chapter and any approved construction and materials specifications.
- B. A plan for the proposed sewage treatment and water supply facilities. The official Rye Township Sewerage Plan shall be followed with respect to installation of public sewers.
- C. A completed Department of Environmental Protection's sewage "Plan Revision Module" for submission to DEP by the municipality in compliance with the planning and testing requirements of the Pennsylvania Sewage Facilities Act (Chapter 73 and Chapter 71 of Title 25 of the Pennsylvania Code). The "Plan Revision Module" shall be completed by the developer at his expense.
- D. In the event that the plans propose extension of utility service into the project by any authority, utility company or jurisdiction other than the Township, a statement from the applicable authority or jurisdiction regarding the adequacy of such extension shall be submitted.
- E. Preliminary stormwater management and erosion and sediment pollution control plans and supporting computations in accordance with design standards (§§ 320-37 and 320-38) of this chapter.
  - (1) Acreage of disturbance, location, and type of all temporary and permanent stormwater runoff and erosion and sedimentation control measures, including grassed waterways, diversions, debris and sediment, basins or ponds, structures for water control, open drains and tile, proposed dates when such measures shall be in effect, and all proposed storm drainage facilities, together with details of storage

basins or infiltration facilities, summaries of capacities and flows, and calculations to support adequacy of facilities. List of maintenance requirements to ensure long-term, continued functioning of permanent erosion and sediment pollution control/stormwater management facilities.

- (2) For plans with less than one acre of disturbance, a note indicating the amount of disturbed area and the responsibility for securing the appropriate permits shall be included as follows:

The estimated area of earth disturbance is \_\_\_\_\_ acre. If this disturbance is increased to over one acre, or other such threshold as may be in effect relative to NPDES permitting, it shall be the sole responsibility of the owner to obtain a NPDES permit from the Perry County Conservation District.

- (3) Notations indicating all trees or portions of tree masses proposed to be cleared as part of the proposed subdivision or land development plan, together with reasons for such clearing; all proposed alterations of the natural grade, whether by cut or by fill, together with reasons for such alteration; and compliance with all applicable erosion and sedimentation control.
- F. Preliminary profiles and specifications for proposed street, sanitary sewer, water system improvements, and storm drainage in accordance with the design standards. Top of cut slope and toe of fill slope profiles shall be included on all proposed roadway profiles.
  - G. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection, Division of Dams and Encroachments, and/or the Pennsylvania Department of Transportation.
  - H. Soils engineering and hydrogeologic reports as required under § 320-42 of this chapter.
  - I. Traffic impact study. For subdivisions proposing 20 or more lots or dwelling units or land developments with 50 or more parking spaces, the Board of Supervisors shall require a traffic impact study prepared in accordance with § 320-48. In addition to the above, the Board of Supervisors may require a traffic impact study and report when, in its opinion, the following conditions exist:
    - (1) Current traffic problems exist in the local area (e.g., high accident location, confusing intersection, congested intersection); or
    - (2) The capability of the existing road system to handle increased traffic is questionable.
  - J. Evidence in writing, where 100 or more dwelling units are proposed in a subdivision or land development, from the school district in which the subdivision or land development is located containing the review and comments of the school district on the proposed development.

- K. A concise statement attesting to the presence or absence of regulated wetlands, identified and delineated in accordance with the United States Army Corps of Engineers 1987 manual. Where wetlands are identified within the proposed subdivision or land development a letter shall be provided from the Pennsylvania Natural Diversity Inventory Office stating:
- (1) The presence or absence of critical or important wildlife habitat.
  - (2) The adequacy of measures proposed to protect threatened plants, animals, or their habitat.
  - (3) A description of proposed design, construction, or use descriptions that would further protect threatened species and existing wetlands.
- L. For subdivisions proposing 20 or more lots or dwelling units or land developments with 50 or more parking spaces, the Board of Supervisors shall require an environmental evaluation study prepared in accordance with § 320-47.

**§ 320-24. Review procedure.**

- A. Copies of the preliminary plan and supporting documentation shall be distributed by the Township to the appropriate reviewing and advisory bodies for comment and report.
- B. At the next regular Planning Commission meeting following the date the complete application has been filed and deemed acceptable by the Township, the Planning Commission will:
- (1) Review the applicant's submission.
  - (2) Review all reports received.
  - (3) Discuss submission with applicant or applicant's agent.
  - (4) Evaluate the plan, reports, and discussion.
  - (5) Determine whether the preliminary plan meets the objectives and requirements of this chapter and other ordinances and the Comprehensive Plan of the Township.
  - (6) Either recommend approval or disapproval of the preliminary plan.
  - (7) Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of this chapter relied upon.
- C. The Board of Supervisors, upon recommendation of the Planning Commission, shall act on any such preliminary plan and communicate its decision to applicant not later than 90 calendar days following the date when the complete application has been filed and deemed acceptable by the Township. Should the next regular meeting of the Planning Commission occur more than 30 days following the filing of the application with the Township, said ninety-day period shall be measured from the 30th day following the date

the application has been filed and deemed acceptable by the Township. Unless said review period is extended by agreement pursuant to applicant's written request for time extension filed a minimum of fourteen calendar days in advance of the Supervisors' regularly scheduled meeting that precedes expiration of the review period, the Board of Supervisors shall:

- (1) Evaluate the applicant's submission, presentation and report of the Planning Commission.
- (2) Determine whether the preliminary plan meets the objectives and requirements of this chapter and other ordinances and the Comprehensive Plan of the Township.
- (3) Either approve, conditionally approve, or disapprove the preliminary plan. Should the preliminary plan be conditionally approved, said conditional approval shall be acceptable to the applicant. The applicant shall, within 15 days from the date of the receipt of the notice of the conditional approval, accept or reject the conditions imposed on the preliminary plan. Should the applicant not communicate acceptance of the conditions imposed within 15 days of the receipt of the conditional approval, the plan shall be deemed to be rejected.
- (4) Communicate their decision to the applicant in person or by writing to the applicant at his last address appearing on the application not later than 15 days following the decision. When the application is not approved in terms as filed, the decision shall specify the defects found in the preliminary plan and describe the requirements which have not been met and shall, in each case, cite to the provisions of this chapter relied upon.
- (5) Approval of the preliminary plan shall constitute acknowledgment of the subdivision or land development as to its character and intensity, but shall not constitute approval of the final plan or authorize the sale or transfer of lots, construction of buildings, or issuance of any building permits.
- (6) Before acting on any preliminary plan, the Board of Supervisors may hold a public hearing thereon after public notice, if such meeting is deemed in the best interest of the Township by the Supervisors.

## ARTICLE VI

### Final Plan Submission

#### § 320-25. Final plan submission procedures.

- A. The applicant submitting a final plan shall comply with § 320-10B of this chapter regarding the timing of submissions.
- B. The applicant shall submit to the Township the following:
  - (1) Two copies of the Application for Review of Final Subdivision or Land Development Plan (see Appendix A: Application Form<sup>24</sup>);

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24. Editor's Note: Appendix A is included as an attachment to this chapter.

- (2) Two copies of all reports, notifications, and certifications (see Appendix C: Final Plan Checklist<sup>25</sup>);
- (3) Twelve copies of the final plan;
- (4) Filing and review escrow fees in the amounts specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township office.

**§ 320-26. Final plan specifications and contents.**

Final plans shall conform in all details with preliminary plans as previously approved, and any conditions specified in the approval of preliminary plans shall be incorporated in the final plans. Such final plans shall show:

- A. Plans shall be on sheet sizes no larger than 24 inches by 36 inches and drawn to a scale not smaller than one inch equals 100 feet.
- B. The designation "final plan," project name, date submitted and all information required on the preliminary plan as specified in § 320-22 of this chapter.
- C. Proposed and existing tract boundary lines, right-of-way lines of streets, easements, and other rights-of-way, and property lines of lots and other sites with accurate dimensions, bearings, or internal angles and radii, arcs, and deflection angles. The error of closure shall not be more than one part in 5,000.
- D. Name, right-of-way, and pavement width of each street or other right-of-way.
- E. Location, dimensions, and purpose of easements, proposed and existing. Easements shall either be shown or specifically described on the plan. Easements shall be located in cooperation with the appropriate public utility. A note indicating all proposed utilities shall be placed underground at the time of initial construction.
- F. Number to identify each lot and/or site.
- G. Purpose for which sites other than buildable lots are dedicated or reserved and appropriate covenants establishing ownership and maintenance responsibility.
- H. Building setback lines on all lots and other sites.
- I. Reference number and written description of all permanent survey monuments, each located by an "X" on the plan.
- J. Names of record owners of unplatted land.
- K. Reference to abutting property owners by name, deed book and page.
- L. Name, address and signed seal of the Pennsylvania registered professional engineer certifying engineering aspects of the plan, and a certification of the accuracy of the plan

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25. Editor's Note: Appendix C is included as an attachment to this chapter.

surveys sealed by the Pennsylvania registered professional land surveyor responsible for preparation of the plan. All plans and surveys shall be prepared in accordance with the Act of May 23, 1945 (P.L. 534, No. 120), as amended.

- M. Certification of title showing the applicant is owner of land, agent of the landowner or tenant with permission of the landowner.
- N. Statement by the owner dedicating streets, rights-of-way and any sites for public uses which are to be dedicated. In cases where the plan proposes private driveways or private rights-of-way, the plan shall include an indemnification statement similar to the following and acceptable by the Township:

Maintenance of the private road or right-of-way shown hereon shall not be the responsibility of Rye Township, but shall be the responsibility of the property owners for which the private road or right-of-way provides ingress and egress.

- O. A signature block for certification of approval of the plan by the Planning Commission and Board of Supervisors.
- P. Where a proposed subdivision and/or land development requires access to a state highway, a conditional final plan approval may be granted allowing the applicant time to secure highway occupancy permits for the proposed subdivision and/or land development. Once obtained, permit numbers shall be indicated for all such accesses and drainage uses, and a note shall be placed on the plan which reads:

"Highway occupancy permits have been secured for this plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law. The identification number of subject permit(s) is/are \_\_\_\_\_."

- Q. A statement shall be included on the plan regarding the presence or absence of wetlands. The statement shall note that no development is proposed within wetlands or that the necessary permits and approvals for the disturbance of wetlands have been obtained from the appropriate federal and state regulating agencies. Disturbance of wetlands shall include, but not be limited to, filling, draining or building activities.
- R. When any portion of the tract proposed for subdivision or land development is considered susceptible to flooding or is located within an identified flood district or floodplain area, the following information shall be required as part of the final plan and shall be prepared by a registered professional engineer or registered professional land surveyor:
  - (1) The exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any identified floodplain area or district. All such maps shall show contours at intervals of two feet and identify accurately

the boundaries of the floodplain areas, and shall be subject to verification by the Township Engineer.

- (2) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Pennsylvania Department of Environmental Protection, and any other commonwealth or federal agency, or local municipality where any alteration or relocation of a stream, watercourse, or wetland is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified of the proposed alteration or relocation. Evidence shall accompany the plan submission that the Pennsylvania Department of Community and Economic Development, and the Federal Insurance Administrator have been notified whenever any such activity is proposed.
- S. When applicable, the final plan shall include statements indicating that restrictive slope lots and steep slope lot areas are subject to the following:
- (1) Restrictive slope areas are typically not permitted to be developed, or undergo land disturbance absent suitable site specific plans and designs that demonstrate all environmental, geotechnical, structural and other issues are adequately addressed.
  - (2) Steep slope area or steep slope lot requiring an approved site development plan in accordance with Article VII of this chapter.
- T. Parks, playgrounds and other areas proposed to be dedicated or reserved for public or common use, with any conditions governing such use, or where fees have been paid in lieu of dedication of public use sites for parks and recreation areas, a statement indicating such shall be placed on the final plan.
- U. All approved alterations or modifications to this chapter shall be noted by article and section number on the final plan, and approval date.
- V. The layout or arrangement of a subdivision or land development shall conform to the Township Comprehensive Plan or any regulation or maps adopted thereto.

**§ 320-27. Supporting documentation.**

- A. Whenever any improvements are proposed in conjunction with a subdivision or land development, it shall be the responsibility of the applicant to provide adequate engineering and related designs, construction specifications, performance guarantees, and ownership and maintenance responsibilities in accordance with the standards and requirements set forth in this chapter, as applicable. Minor improvements are not subject to professional engineering. The final plan shall be accompanied by the following:
- (1) Improvement construction plan. An improvement construction plan shall be required whenever an improvement is to be constructed or installed.
    - (a) Scale. The improvement construction plan shall have the same scale required for a preliminary plan.



- (b) Data. The improvement construction plan shall contain sufficient information to provide working plans for the layout and construction of proposed streets, utilities, stormwater retention structures, and other improvements. Such a plan shall include, but not be limited to, the following:
- [1] A horizontal plan layout showing right-of-way limits, easements and all proposed improvements, including stations corresponding to those shown on the profiles, horizontal curves, location and size of inlets and manholes, limits of grading showing edge of lots with reference to road cuts and fills and road stations.
  - [2] A profile plan indicating proposed final grades of streets and sewers, and the extent of cut and fill operations.
    - [a] The profile plan shall show the vertical section of the existing grade along the center line of the proposed street, as well as at the right-of-way limits. Where storm drainage and/or sanitary sewer lines are to be installed, they shall also be indicated on the profile plan.
    - [b] The horizontal scale on the profile plan shall be not less than one inch equals 100 feet and the vertical scale shall be not less than one inch equals 10 feet or, in cases where larger scales are used, the ratio shall be 1:10 vertical to horizontal.
    - [c] A typical cross-section street construction shall be shown on the profile plan and shall indicate the following:
      - [i] Right-of-way width and the location and width of paving within the right-of-way.
      - [ii] Type, thickness and crown of paving.
      - [iii] The location, width, type, and thickness of sidewalks to be installed, if any.
      - [iv] Typical location, size, depth and type of any underground utilities that are to be installed in the right-of-way where such information is available.
  - [3] Test boring and subsurface information as may be required by the Township Engineer to evaluate the suitability of proposed construction plans.
- (2) Documentation from the Sewage Enforcement Officer that each lot has been tested and permitted for on-lot sewage systems, where applicable.
  - (3) A copy of the Pennsylvania Department of Environmental Protection's acceptance or approval of the planning module.
  - (4) A copy of the permit granted by the Pennsylvania Department of Environmental Protection for a private centralized sanitary sewer system (where applicable).

- (5) A copy of an agreement document with the governmental authority or public authority which is to provide the water supply for the public water supply system (where applicable).
  - (6) A copy of a permit granted by Pennsylvania Department of Environmental Protection for a private centralized water system (where applicable.)
  - (7) A completed and executed copy of the subdivision and/or land development improvements agreement as agreed upon by the applicant and the Board of Supervisors.
  - (8) A performance guarantee in the amount of 110% of the cost of all required improvements as set forth in § 320-74 as estimated by the applicant's engineer and approved by the Township Engineer in a form and with surety approved by the Township Solicitor, guaranteeing the construction and installation of all such improvements within a stated period which shall not be longer than one year from the date of final plan approval. Where the final plan is submitted in stages or sections, the amount of the guarantee may also be provided in stages if accompanied by a schedule of completion dates for all phases acceptable to the Board of Supervisors.
  - (9) A maintenance guarantee in an amount of not less than 15% of the cost of all accepted improvements estimated by the applicant's engineer as set forth in § 320-74K. This guarantee assures that the applicant shall maintain all such improvements in good condition for a period of 18 months after completion of construction, installation of all such improvements, and acceptance of all such improvements by the Board of Supervisors.
- B. Final stormwater management and erosion and sediment pollution control plan and supporting documentation computations and maintenance requirements in accordance with design standards, §§ 320-37 and 320-38 of this chapter and information as required in § 320-23 of this chapter.
- (1) In the case of subdivision and land development plans proposed for the sale of lots only, or when on-lot stormwater management facilities are proposed, the applicant shall include on the final plan a covenant with the land assuring the implementation of the stormwater management control plan by the lot owners.
  - (2) A final erosion and sedimentation control plan, showing the location and types of erosion and sediment control measures together with a report, signed by the Perry County Conservation District, indicating that the plan has been reviewed. The requirements for submitting a report signed by the Perry County Conservation District may be waived by the Board of Supervisors if the plan meets all of the following conditions:
    - (a) The plan involves the creation or the development of not more than three lots;
    - (b) The proposed area of construction and/or earth disturbance is at least 200 feet from any stream, swale, watercourse or wetland.

- (c) The plan does not include the construction of streets, storm sewers, or other related site improvements and the site has been accepted as a minor subdivision as defined in this chapter.
- (d) The runoff will not impact on adjoining properties and that the proposed construction and earth distribution will be in an area of less than 10% of existing slopes.
- (e) For plans with less than one acre of disturbance, a note indicating the amount of disturbed area and the responsibility for securing the appropriate permits shall be included as follows:

The estimated area of earth disturbance is \_\_\_\_\_ acre. If this disturbance is increased to over one acre (or other such threshold as may be in effect relating to NPDES permitting), it shall be the sole responsibility of the owner to obtain an NPDES permit from the Perry County Conservation District and/or PA Department of Environmental Protection.

- (3) A copy of an application for a permit for earthmoving activity or a permit issued and signed by the Department of Environmental Protection as required by the rules and regulations, Chapter 102, "Erosion Control," under P.L. 1987, June 22, 1934, as amended.<sup>26</sup>
- C. The following shall be included when wetlands are present: demarcation of wetlands on the project plan, jurisdictional determination date and case number, a detailed description of the methods the applicant is using to avoid disturbing wetlands during and following construction. Plan shall assure that the proposed use is compatible with important habitats and that activities associated with the proposed use will remain compatible with important habitats.
  - D. Traffic impact study, where required, and proposed improvements necessary to eliminate traffic problems.
  - E. Such other certificates, affidavits, endorsements, or dedications as may be required by the Board of Supervisors in the enforcement of these regulations.
    - (1) Private deed restrictions or protective covenants, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being developed.
    - (2) A copy of the maintenance agreement for permanent erosion and sediment pollution control, stormwater management facilities, and private drives, where applicable.

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<sup>26</sup> Editor's Note: See 25 Pa. Code Chapter 102.

**§ 320-28. Review procedures.**

- A. Copies of the final plan and supporting documentation shall be distributed by the Township to the appropriate reviewing and advisory bodies for comment and report.
- B. At the next Planning Commission meeting following the date the complete application has been filed and deemed acceptable by the Township, the Planning Commission shall:
- (1) Review the applicant's submission.
  - (2) Review all reports received.
  - (3) Discuss submission with the applicant or applicant's agent.
  - (4) Evaluate the plan, reports and discussion.
  - (5) Determine whether the final plan meets the objectives and requirements of this chapter and other ordinances and the Comprehensive Plan of the Township.
  - (6) Either recommend approval or disapproval of the final plan.
  - (7) Submit its report to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of this chapter relied upon.
- C. The Board of Supervisors, upon recommendation of the Planning Commission, shall act on any such final plan and communicate its decision to the applicant not later than 90 days following the date when the complete application has been filed and deemed acceptable by the Township, said date typically corresponding to the date of the first regular meeting of the Planning Commission following plan submission. Should the next regular meeting of the Planning Commission occur more than 30 days following the filing of the application with the Township, said ninety-day period shall be measured from the 30th day following the date the complete application has been filed and deemed acceptable by the Township. Unless said 90 days is extended by agreement, in response to written request received from applicant, a minimum of 14 days prior to the regularly scheduled Supervisors' meeting preceding expiration of the ninety-day review period, the Board of Supervisors shall:
- (1) Evaluate the applicant's submission, presentation and report of the Planning Commission.
  - (2) Determine whether the final plan meets the objectives and requirement of this chapter and other ordinances and the Comprehensive Plan of the Township.
  - (3) Either approve, conditionally approve, or disapprove the final plan by resolution. Should the final plan be conditionally approved, said conditional approval shall be acceptable to the applicant. The applicant shall, within 15 days from the date of the receipt of the notice of the conditional approval, accept or reject the conditions imposed on the final plan. Should the applicant not communicate acceptance of the conditions imposed within 15 days of the receipt of the conditional approval, the plan shall be deemed to be rejected.

- (4) Communicate their decision to the applicant in person, or by writing to the applicant at the address on the application not later than 15 days following the decision. When applicant's final plan is not approved in terms as filed, the decision shall specify the defects found in the final plan and describe the requirements which have not been met and shall, in each case, cite to the provisions of this chapter relied upon.
- (5) Before acting on any final plan, the Board of Supervisors may hold a public hearing thereon after public notice, if such meeting is deemed in the best interest of the Township by the Supervisors.

## ARTICLE VII Design Standards

### § 320-29. Applicability.

The standards of design in this article shall be used to judge the adequacy of development proposals and shall be considered to be the minimum criteria in achieving the purpose and objectives of this chapter. Where questions should arise regarding the interpretation of these design standards, the determination of the Board of Supervisors shall prevail.

### § 320-30. General standards.

- A. Land. No land shall be subdivided or developed for any purposes unless reasonable hazards to life, health, or property from flood, fire and disease shall have been eliminated or unless the plans for the project shall provide adequate safeguard against such hazards.
- B. Development. Proposed projects shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- C. Subdivisions and land developments shall be laid out to:
  - (1) Preserve trees, hollows, groves, waterways, scenic points, historic spots and unique natural features and other community assets and landmarks.
  - (2) Avoid the necessity for cuts and fills in excess of six feet in depth and height, respectively.
- D. Thoughtful and imaginative design of streets and their relationship to the arrangement and shape of lots is required. An important element is the blending with topography to produce curvilinear design and reasonable grades. The rectilinear design of streets and lots, involving long straight sections of street should be avoided.
- E. Subdivisions or land developments shall be designed, to the greatest extent practical, with streets following topographic features and/or the contours of the land to ensure conformity with topography so as to create the least erosion potential and adequately handle surface water runoff.
- F. Construction of required improvements will be completed under specifications of the Pennsylvania Department of Transportation, the Pennsylvania Department of

Environmental Protection, the Perry Conservation District, or other appropriate agencies, or the specifications included herein, whichever specifications shall be more stringent.

**§ 320-31. Streets.**

A. Street pattern.

- (1) The proposed street pattern shall be integrated with existing and/or officially planned streets, and it shall be related to topography to produce usable lots and reasonable street grades.
- (2) Where adjoining areas are not subdivided or developed, the arrangement of streets in new subdivisions or land developments shall make provision for the proper projection of streets to the boundaries of the tract to be subdivided or developed. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the boundary of the subdivision or land development in such a way as to permit future extension of the street into the adjoining tract.
- (3) Where extension through an existing cul-de-sac onto an adjacent tract is proposed, removal of the existing cul-de-sac and lot line revisions on affected parcels shall be the responsibility of the applicant subject to the approval of the Board of Supervisors of an ordinance for vacating that portion of the cul-de-sac outside the Township's fifty-foot right-of-way.

B. Design and purpose. Streets shall be designed according to their function and laid out to preserve the integrity of their design in accordance with the following functional classification, unless otherwise determined by the Board of Supervisors, or indicated on the Township Roadway Classification Map.

- (1) Minor street or local road: street providing direct access to abutting land and connections to higher classes of roadways. Traffic volumes are low, usually under 400 vehicles per day, and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour or under. All existing roads/streets within Rye Township are classified as minor local roads unless otherwise designated herein.
- (2) Collector street or road: a street which includes those roadways which connect minor streets to arterial streets and generally serve intracounty and intermunicipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping, and other services. They may penetrate residential areas. Generally, these roadways will accommodate higher traffic volumes than minor streets/local roads, usually between 400 and 4,000 vehicles per day, and have operating speeds of 35 to 45 miles per hour. They fairly equally serve mobility needs and land access. Collector streets within Rye Township include Idle Road, Lambs Gap Road, Millers Gap Road, Mountain Road, New Valley Road, Pine Hill Road, and Tower Road.

- (3) Arterial street: a road which connects regional population centers and is used only incidentally for local uses. US routes shall be considered arterial streets. Arterial streets within Rye Township include PA Route 850 and Valley Road.
  - (4) Alley and service drive: a minor vehicle way which provides a secondary means of access to the back or side of properties otherwise abutting a street. Standards assume infrequent use by heavy vehicles at low speed.
- C. Minimum standards. Streets shall be laid out according to the following minimum standards; however, additional street width may be required as determined by the Board to ensure public safety and convenience in accordance with the purpose of this chapter. For arterial streets that are state roads, width requirements should be set in coordination with PennDOT.

**Minimum Standards**

<b>Type of Street</b>	<b>Width (feet)</b>
Arterial street	
Right-of-way	80
Pavement width	36 <sup>1</sup>
Collector street	
Right-of-way	60
Pavement width	30 <sup>1</sup>
Minor street	
Right-of-way	50
Pavement width	26
Alley or service drive (to be dedicated to Township)	
Right-of-way	25
Surfaced width	16
Private drive (per § 320-34D)	
Right-of-way	50 feet
Surfaced width — gravel	20 feet
Surfaced width — paved	16 feet

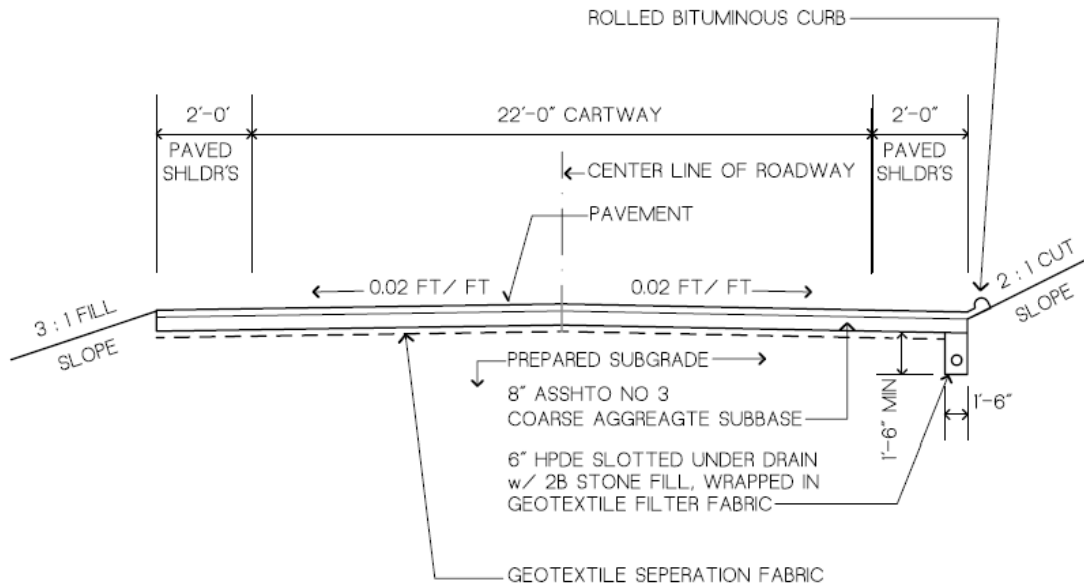
NOTES:

<sup>1</sup> Subject to Township review, reduction in the width of the streets may be permitted where postconstruction stormwater management measures, topographic considerations, and other constraints justify the reduction.

- D. Culs-de-sac or dead-end streets.

- (1) Culs-de-sac or dead end streets, designed to be so permanently, shall terminate with a turnaround having a minimum right-of-way of 100 feet diameter and minimum cartway of 90 feet diameter.
  - (2) The lengths of culs-de-sac shall be measured from the center line of the intersecting street to the center of the bulb or turnaround of the cul-de-sac.
    - (a) Minimum length: 250 feet.
    - (b) Maximum length: 1,000 feet.
  - (3) Hammerhead streets. Streets less than 250 feet and serving six or fewer lots may be designed as symmetrical hammerheads in accordance with the standards contained in Residential Streets (latest edition), coauthored by the American Society of Civil Engineers, as amended.
- E. Street grades.
- (1) The minimum for all streets shall be 0.5% and a maximum grade shall be as follows:
    - (a) Collector street: 7%.
    - (b) Minor street: 12%.
    - (c) Alley, private drive: 14%.
  - (2) Private drives shall be designed to minor street criteria for the following street design standards (§ 320-31G to P).
- F. Typical cross section. The slope of the crown on all streets shall be 0.02 foot per foot. See Figure 320-31F for additional information on typical cross-section requirements.





**Figure 320-31F**  
**Typical Cross Section**

NO SCALE

G. Intersections.

- (1) Intersections involving the junction of more than two streets are prohibited. Right-angle intersections must be used wherever possible; however, in no case shall streets intersect at less than 70° (measured on the center line of the street).
- (2) Curb radii. At intersections of streets, the radius of the curb or edge of shoulder shall not be less than the following:

<b>Intersection</b>	<b>Minimum Simple Curve Radius of Shoulder (feet)</b>
Collector with collector street	35
Collector with minor street	25
Minor street with minor street	20
Alleys with all streets	15

- (3) Clear-sight triangle. Proper sight lines must be maintained at all street intersections. Measured along the center line, there must be a clear-sight triangle of 75 feet (150 feet for arterial streets) from the point of intersection, and no building or obstruction higher than 30 inches above the grade of the center line of the streets shall be permitted in this area.

- (4) Maximum grade within any intersection shall not exceed 4% in any direction, and approaches to any intersection shall follow a straight course within 100 feet of the intersection.
- H. Streets not in alignment. If streets are not in alignment, the distance between the center lines of streets on opposite sides of an existing or proposed street shall be determined by the classification of the through street being intersected. The minimum separation distance shall be measured along the center line of the through street being intersected and shall conform to the following:

<b>Through Street Classification</b>	<b>Minimum Intersection Separation Distance (feet)</b>
Arterial	800
Collector	500
Local	200

- I. Sight distance. Proper safe stopping sight distance must be provided with respect to both horizontal and vertical alignment at all intersections.
  - (1) The required and available safe stopping sight distance shall be included on the plans for all existing and proposed intersections.
  - (2) Street intersections shall be located at a point that provides optimal sight distance in both directions.
  - (3) Sight distance at street intersections shall provide the following minimum stopping distance for a vehicle traveling on an approaching street which has no stop or signal control:
    - (a) Calculation of safe stopping sight distance.
      - [1] For each intersection, the available sight distance in each direction shall equal or exceed the stopping sight distance computed from the following formula:

$$SSSD = 1.47 Vt + \frac{V^2}{30(f \pm G)}$$

Where:

- SSSD = Minimum safe stopping sight distance (feet).
- V = Velocity of vehicle (miles per hour).
- t = Perception time of driver (2.5 seconds).
- f = Wet friction of pavement (0.30).
- G = % grade of roadway divided by 100 (feet/feet).

- [2] If the 85th percentile speed varies by more than 10 miles per hour from the speed limit, the Township may require the 85th percentile speed to be used to determine stopping distance.
  - [3] A Minimum Safe Stopping Sight Distance table that specifies minimum safe stopping sight distance for selected speeds is provided in Appendix D: Minimum Safe Stopping Sight Distances.<sup>27</sup> The sight distances in the table apply for roadway grades in whole numbers from +10% to -10% along with speeds from five to 65 miles per hour in increments of five miles per hour. The designer may use this table in lieu of the above formula.
- (b) Measurement of sight distance.
- [1] The correct measurement of available sight distance at each proposed street intersection shall be the responsibility of the applicant.
  - [2] For the purpose of measuring available sight distance, the height of the driver's eyes shall be 3.5 feet above the road surface, and the height of the object shall be 3.5 feet above the road surface. The lateral placement of vehicles on the roadway and at the proposed access point shall be consistent with the operation of the access and roadway.
  - [3] For each direction, the shortest of the following measurements shall be considered the available sight distance for that direction:
    - [a] The maximum length of roadway along which a driver at the proposed street intersection can continuously see another vehicle approaching on the roadway. The driver's eyes at the proposed point of access shall be 15 feet back from the near edge of the closest travel lane in the center of the intersection for street intersections, and 10 feet back from the near edge of the closest travel lane in the center of the intersection for driveways.
    - [b] The maximum length of roadway along which a driver on the roadway can continuously see a vehicle which is located in his travel lane on the roadway in order to make a left turn into the proposed access or as a result of a left or right turn out of the proposed access.
    - [c] The maximum length of roadway along which the driver of a vehicle intending to make a left turn into the proposed access can continuously see vehicles approaching from the other direction. This is measured from the point where the left-turning vehicle stops.
- (c) Inadequate sight distance remedies. If it is impossible to achieve required safe stopping sight distance in both directions the Township may:

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27. Editor's Note: Appendix D is included as an attachment to this chapter.

- [1] Prohibit left turns by entering or exiting vehicles;
- [2] Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the applicant;
- [3] Require removal of physical obstruction from the line of sight, at the expense of the applicant;
- [4] Require installation of a separate left turn standby lane; or
- [5] Deny access to the roadway.

J. Curves (horizontal)

- (1) Where connecting street lines deflect from each other at any one point by more than 5°, the line must be connected with a true, circular curve.
- (2) The minimum radius of the center line for the curve must be as follows:

<b>Type of Street</b>	<b>Minimum Radius (feet)</b>
Collector	300
Minor	200

- (3) Straight portions of the street must be tangent to the beginning or end of curves.

K. Curves (vertical). Vertical curves shall be used in changes of grade when the algebraic difference exceeds 1%, and shall be designed for maximum visibility. Intersections shall be approached on all sides by leveling areas. Where the grade exceeds 7%, such leveling areas shall have a minimum length of 100 feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of 4%. The maximum rate of change of grade shall be 7% per 100 feet of road, provided that the clear-sight distances specified above are maintained at all points.

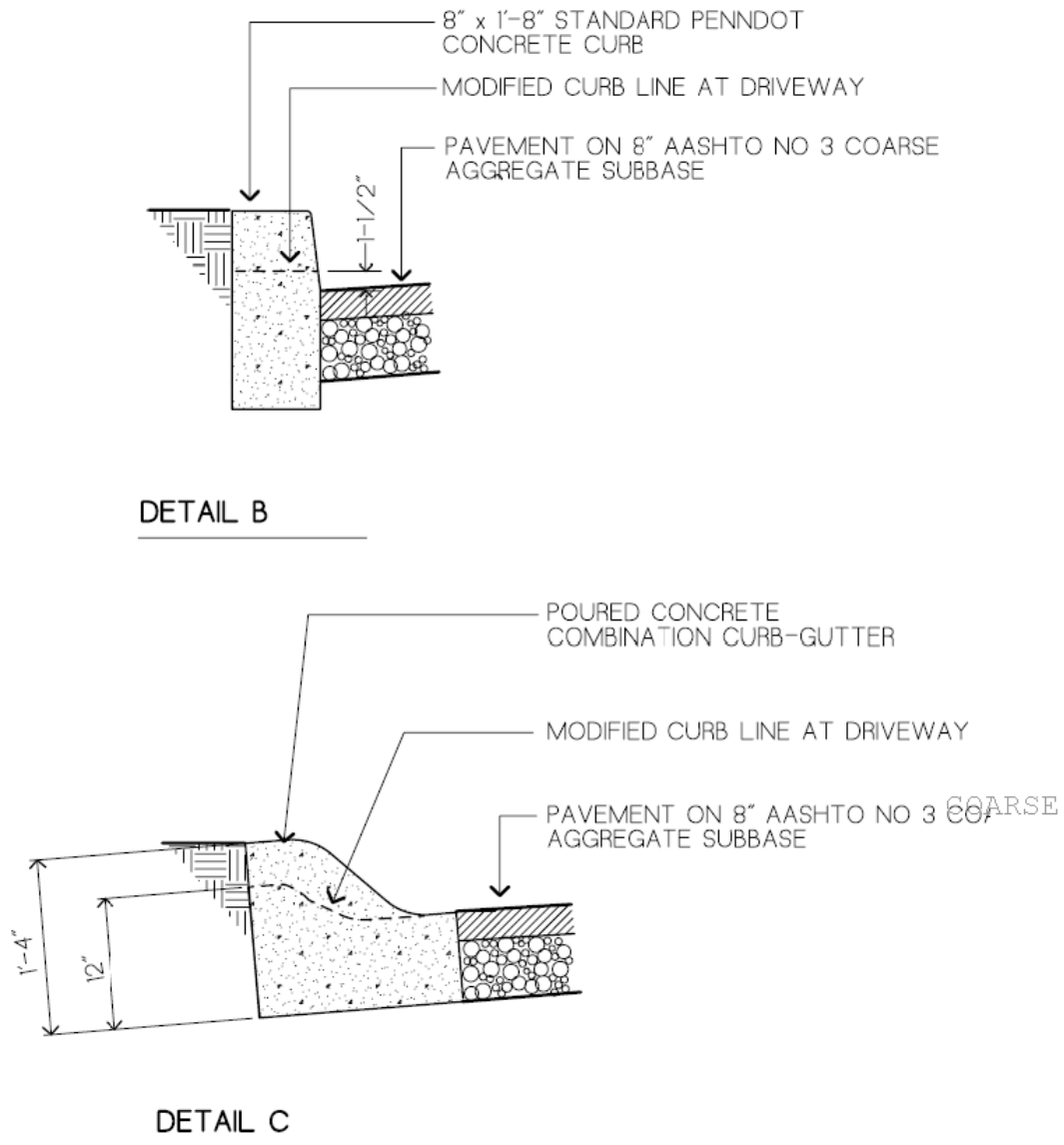
L. Slope of banks along streets. The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:

- (1) One foot of vertical measurement for three feet of horizontal measurement for fills.
- (2) Cut and fill requirements. If load-bearing fill or cuts greater than six feet in depth are proposed, a soils investigation report shall be submitted which shall consist of test borings, laboratory testings, and engineering analysis to correlate surface and subsurface conditions with the proposed grading plan in accordance with § 320-42 of this chapter. The results of the investigation shall include data regarding the nature, distribution and supporting ability of existing soils and rocks on the site, conclusions and recommendations to insure stable soil conditions, and groundwater control, as applicable. The Township may require such supplemental reports and data as is deemed necessary by the Township Engineer. The following provisions shall apply to plans involving fill:

- (a) Fills toeing out on natural slopes steeper than four horizontal to one vertical shall not be made unless approved by the Township Engineer after receipt of a report by a registered professional engineer, qualified in soils analysis, certifying that he has investigated the property, made soil tests and that, in his opinion, such steeper slopes will safely support the proposed fill.
  - (b) Natural and/or existing slopes exceeding five horizontal to one vertical shall be benched or continuously stepped into competent materials, as determined by the Township Engineer, prior to placing all classes of fill.
  - (c) A quality control program is critical for fills. Therefore, wherever load-bearing fill material is to be used, each layer of compacted fill shall be tested to determine its density per American Society of Testing Materials (ASTM) D 1556. The density of each layer shall not be less than 95% of maximum dry density as determined by ASTM D 1557. The maximum lift thickness shall be eight inches, and each lift shall be compacted to achieve the required density.
  - (d) Inspections shall be conducted in accordance with the general procedure outlined in § 320-84.
  - (e) Compaction test reports shall be kept on file at the site and be subject to review at all times by the Township Engineer.
- (3) One foot of vertical measurement for two feet of horizontal measurement for cuts, provided the cut slope is stable.
  - (4) Cuts. Intercepting underdrains shall be required at all locations in which seasonal high-water table and subsurface water are encountered which may permeate or endanger the subgrade of the street. Underdrains shall be required in all cuts six feet deep and greater, in soils with seasonal high-water tables within two feet of the proposed subgrade, and in all other locations stipulated by the Township Engineer. Underdrains shall be parallel to the established street grade to outlet in approved drainage structures. Underdrains shall consist of a trench excavated to a minimum depth of 24 inches below the elevation of the approved subgrade and to the minimum width of 18 inches in which filter fabric and a six-inch preformed pipe underdrain shall be laid. The trench shall be backfilled with AASHTO clean No. 57 aggregate to its full depth around and above the laid pipe and wrapped within the fabric (geotextile) (per Pennsylvania Department of Transportation, Publication 408 Specifications). All underdrain designs shall be approved by the Township Engineer.
  - (5) If the length of pipe underdrain exceeds 600 feet in one run, the minimum diameter of six inches shall be increased to eight inches beyond that point. Pipe shall meet Pennsylvania Department of Transportation, Publication 408, specifications.
- M. Partial and half-streets. The dedication of half-streets at the perimeter of a new subdivision or land development is prohibited.

- N. Names of streets. Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes such as "lane," "way," "drive," "court," "avenue." In approving the names of streets, cognizance shall be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted street.
- O. Increase in right-of-way width.
- (1) In the case where lots created within a subdivision or land development are large enough to accommodate either further subdivision or a higher intensity of development, and thus may result in higher traffic levels, the Township may require that additional right-of-way be provided to permit the future development of a higher classification street.
  - (2) Special topographical conditions may result in cut and fill slope areas that extend beyond the standard required right-of-way established in § 320-31D. These areas shall be included in all cases within the right-of-way to ensure maintenance.
- P. Blocks. Blocks shall not exceed 1,600 feet nor be less than 500 feet in length and shall be of sufficient depth to permit two tiers of lots, except as otherwise provided for herein. These standards shall apply to developments in all zoning districts, except for the Residential Village District, where the maximum block length shall be not greater than 750 feet.
- Q. Street signs. Where signs are required in conjunction with a subdivision and or land development plan, it shall be the responsibility of the applicant/developer to provide street name signs and traffic control signs for the development in accordance with the approved signage plan and the municipal specifications, if provided, and/or in accordance with the following standards:
- (1) The design and placement of traffic control and other street signs placed in a public right-of-way shall follow the requirements specified in the most current edition of the FHWA Manual of Uniform Traffic Control Devices for Streets and Highways. The manual shall also be used for traffic control signs on nonpublic streets.
  - (2) At least one street name sign pole shall be placed at each intersection identifying all crossing street names. Signs shall be placed so that they do not obstruct sight distances, and shall be under light standards if present. The design of street name signs shall be consistent, of a style appropriate to the community, of a uniform size and color, and erected in accordance with any municipal standards.
  - (3) At signalized intersections, street signs shall be located on the overhead arm supporting the traffic signal, otherwise suitably suspended over the intersection. Street clearance shall be a minimum of 16 feet and six inches from the bottom of any sign or supporting equipment and the top of the paved surface.
- R. Curbs and gutters. In areas where curbing is required, suitable curbs shall be designed and installed, subject to Township approval, to control erosion. If curbs are to be

installed, the pavement shall extend from curb to curb and shall be consistent with the minimum standards. When it is evident that the stormwater management plan adequately controls surface water without provisions for curbs, the curbing requirement may be waived by the Township. Figure 320-31R provides an illustration of curb design.



**Figure 320-31R  
Typical Curb Details**

NO SCALE

- S. Sidewalks. All construction of sidewalks within the Township shall conform to all of the following requirements:
- (1) Installation. Within the following zoning districts: R-1 Residential District; R-2 Residential District; RV Residential Village District; C Commercial District; and IML Industrial/Manufacturing Limited District, wherever a proposed subdivision or land development shall have an average of three or more lots or dwelling units per net acre or is immediately adjacent to or within 1,000 feet of any existing or recorded subdivision or land development located along the same side of a connecting street having sidewalks, sidewalks shall be installed on all lot frontages.
  - (2) Sidewalks, if to be located within the right-of-way of the street, shall abut the right-of-way line.
  - (3) If sidewalks are not to be located in the dedicated street right-of-way, suitable documentation shall be submitted setting forth the ongoing ownership and maintenance responsibility of the sidewalks, as well as the appropriate easements.
  - (4) Sidewalks must be at least four feet wide. In the vicinity of shopping centers, schools, recreation areas and other such facilities, sidewalks must be at least five feet wide and located within the street right-of-way.

**§ 320-32. Natural resources conservation standards.**

- A. Application. The standards for natural resource conservation, as set forth in this section, shall apply to all subdivision and land developments in Rye Township and shall not be construed to limit an individual's right to practice forestry on his or her land.
- B. Planning and design standards.
- (1) General standards to minimize adverse impacts. In addition to slope and tree protection provisions provided herein this article, all subdivisions and/or land developments shall avoid or minimize adverse impacts on Rye Township's natural, cultural and historic resources, as defined below.
  - (2) Groundwater resources. This section is intended to ensure that Rye Township's groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of Rye Township's surface waters. The proposed subdivision and land development shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table. Adopt careful planning of vegetation and land disturbance activities, and the selective placement of streets, buildings and other impervious surfaces in locations other than those identified as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.
  - (3) Stream channels/valleys, swales, springs, riparian buffer zones, and other lowland areas. Stream channels and/or valleys and floodplains and other wetland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property; groundwater recharge functions; importance to water



quality and the health of aquatic communities, and wildlife habitats. These are generally poorly suited for on-site subsurface sewage disposal systems.

- (a) The site plan layout shall avoid the following:
  - [1] Disturbance to stream channels and drainage swales.
  - [2] Disturbance to year-round wetlands and areas with seasonally high-water tables.
- (4) Significant natural areas and features. Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout Rye Township. The Statewide Natural Diversity Inventory has documented some of these, e.g., whereas for others, only their general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features either identified by the Rye Township Comprehensive Plan or other authoritative sources by incorporating such areas into proposed open space areas or avoiding their disturbance in areas proposed for development.
- (5) Trails:
  - (a) When a subdivision or land development proposal is traversed by or abuts an existing trail customarily used by pedestrians and/or equestrians, or proposed trail in accordance with the Perry County Open Space Greenway and Recreation Plan, the Board of Supervisors may require the applicant to make provisions for continued recreational use of the trail.
  - (b) The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:
    - [1] The points at which the trail enters and exits the tract remain unchanged.
    - [2] The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (e.g., Bureau of State Parks publication, Nonmotorized Trails).
    - [3] The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
  - (c) When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located shall be a minimum of 10 feet beyond the trail edge. The language of the conservation easement shall be to the satisfaction of the Board of Supervisors upon recommendation of the Township Solicitor.
  - (d) The land area permanently designated for trails for public use may be credited toward the park and recreation land requirement described in § 320-46, Community facilities.

- (e) An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward the park and recreation land requirement described in § 320-46, Community facilities.
  - (f) Trail improvements shall demonstrate adherence to principles of quality trail design according to generally accepted principles of landscape architecture (e.g., Bureau of State Parks publication, Nonmotorized Trails).
  - (g) Trails shall have a vertical clearance of no less than 10 feet to overhead obstructions.
  - (h) Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than eight feet or greater than 12 feet.
  - (i) No trail shall be designed with the intent to accommodate motorized vehicles.
- (6) Riparian buffer zones. Areas immediately adjacent to the Township's perennial streams, areas of springs, watercourses, and areas deemed by the Township to possess environmental value shall be defined as the riparian buffer zone (RBZ). In the RBZ, special requirements as set forth in this section shall apply in order to maintain important natural functions. These RBZ requirements are based on both the heightened sensitivity of the RBZ and the potential to negatively impact the stream system when this RBZ is disturbed, as well as the potential of this RBZ to mitigate to the maximum extents the negative effects of development in areas adjacent to the stream system. The RBZ shall include three subzones, Zones 1 through 3, extending landward from the top of the stream bank, where different requirements are imposed. These RBZs are to be established and protected, as defined below:
- (a) Zone 1: a fifteen-foot setback zone, measured from the top of the bank of the watercourse, where no disturbance of vegetation and soil except for construction of roadway structures or conveyance systems in accordance with the design standards of this chapter and restoration shall occur, in order to shade the stream with natural vegetation, to provide a source of numerous other organic inputs to the aquatic system, to anchor the stream bank and floodplain area, and to consume and otherwise remove nitrogen, sediment, and other substances which can adversely affect stream systems.
  - (b) Zone 2: a managed buffer zone, extending a distance equal to 35 feet outward from Zone 1 or the one-hundred-year floodplain boundary, whichever is larger, where disturbance of natural vegetative cover shall be limited to selective logging and other activities which minimally disrupt existing tree cover, in accordance with applicable zoning restrictions, and soil mantle, in order to maximize filtering and overall physical removal of particulate-form pollutants from runoff generated upgradient and to promote subsurface vegetative uptake of nitrogen and other nonparticulate elements from stormwater generated upgradient. The developer shall use land within Zone 2 only for those uses authorized within the one-hundred-year floodplain

as allowed in Chapter 360, Zoning, even if portions of Zone 2 are located outside of the one-hundred-year floodplain.

- (c) Zone 3: a zone of 50 feet extending outward from Zone 2, Zone 3 is defined in those cases where upslope areas adjacent to the RBZ are being disturbed during the land development process and where direct discharge of stormwater would otherwise occur. Zone 3 must include level spreading devices as necessary to ensure that any directly discharged stormwater flows are properly distributed as sheet flow. Channelization and point source discharges are prohibited.

**§ 320-33. Lots.**

- A. Lot dimensions and area shall not be less than the requirements of Chapter 360, Zoning.
- B. Insofar as is practical, side lot lines shall be at right angles to straight streets, and radial to curved streets.
- C. Where there is a question as to the suitability of a lot or lots for their intended use due to factors, such as soil conditions, rock formations, flood conditions, excessive slopes or similar circumstances, the Planning Commission may, after adequate investigation, withhold approval of such lots, require reconfiguration of lots, require remedial action, or require a suitable site development plan to be submitted for review.
- D. Lot lines shall, to the greatest extent practical, be laid out to follow topographic lows, drainage swales, and watercourses.
- E. Increased building setbacks and deed restrictions shall be prescribed where required by the Supervisors, on the recommendation of the Planning Commission, to preserve natural features and preclude potential adverse impacts related to construction in the following areas:
  - (1) One-hundred-year floodplain and floodway areas, including alluvial soils.
  - (2) Steep slope and restrictive slope areas.
  - (3) Wetlands and areas of seasonal high water table.
  - (4) Unique natural areas or features.
  - (5) Woodlands and forested areas.
- F. Panhandle lots. Panhandled lots may be permitted, provided satisfactory evidence is submitted to the Township demonstrating that no undue or adverse impact will be caused upon the adjoining roadways and that the panhandled configuration is necessary for the efficient use of the affected land.

**§ 320-34. Access.**

- A. Streets shall be laid out to provide for access to all lots and to adjacent undeveloped area, and the developer shall improve or reserve access streets to the limits of the subdivision or land development.
- B. Each subdivision and land development plan shall be designed to provide for access to each lot or development by a public street.
- C. The Board of Supervisors, upon the recommendation of the Township Planning Commission, may grant a modification of the requirement that lots or developments be accessed by a public street, if the literal enforcement of said requirement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that the modification shall not be contrary to the public interest and that the purpose and intent of this chapter is observed, and further provided that each lot or development is sufficiently accessed by a private driveway which shall be adequately designed to safely accommodate the traffic expected from the proposed and foreseeable development, and provided further that the proposed private driveway shall not be required to carry significant traffic. Private driveways shall not be approved if:
- (1) A bridge or other structure is located on the private driveway which is not in conformity with standards determined appropriate by the Township Engineer.
  - (2) Access to the properties serviced by the private driveway by emergency vehicles shall be inhibited.
  - (3) The private driveway would service more than three lots or dwelling units, whichever is greater.
  - (4) The private driveway right-of-way is less than 50 feet.
- D. Whenever a developer proposes to provide access to a subdivision or development by a private driveways, he shall submit to the Township two copies of a proposed agreement between himself and the lot owners or tenants, and such agreement shall establish responsibility for private driveways maintenance and repair, snow and ice removal, and upkeep of the road bed and drainage facilities. Said agreement shall be recorded with the final subdivision or land development plan. Private driveways shall be designed in accordance with the design standards set forth in this chapter and shall be constructed with a stabilized base of crushed aggregate six inches deep. In addition, private drives exceeding 8% slope, or those designed to a sixteen-foot width shall have a minimum of two inches thick bituminous surface. Improvements within a subdivision or land development containing private driveways, including driveway entrances within the private right-of-way, stormwater conveyances, detention and/or retention basins, and other related drainage facilities, shall have security posted in accordance with Article X, § 320-74, of this chapter.
- E. Additional access. Any development of 25 or more dwelling units or units of occupancy, or in the case of nonresidential development not more than 500 average daily vehicle trips based on either the latest edition of the Trip Generation Manual of the Institute of Transportation Engineers, or from a local study of corresponding land uses and quantities, shall be provided with at least two means of vehicle access into the

development. The second means may be limited to emergency vehicles, provided the applicant proves access will be properly designed for its intended purpose and in accordance with the following:

- (1) Emergency access easements. Emergency access easements, when required by the Township, shall have a minimum width of 20 feet and the design shall be reviewed and approved by the Chief of the responding fire company.

**§ 320-35. Soils analysis/sewage permit.**

- A. Soils analyses shall be required by the Township on each proposed lot in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. From the results of these tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption field as prescribed in accordance with the requirements of the Pennsylvania Department of Environmental Protection, but in no case shall the lot size be less than as set forth in Chapter 360, Zoning.
- B. No lot or tract of land shall be built upon or approved for final subdivision or land development without a valid sewage disposal permit issued by the acting Sewage Enforcement Officer for Rye Township for each existing or proposed lot within a subdivision or land development except where a public or common sewage system is provided.
- C. In addition, all lots being subdivided or developed shall contain a secondary or alternate drain field area, as determined by the Rye Township Sewage Enforcement Officer, for an alternate system in the event of malfunction or failure of the primary permitted on-lot system. The secondary or alternate drain field area shall be shown on the plan. Secondary drain fields shall include an easement defined by metes and bounds and be referenced to a property corner on the plan. In addition, a note shall be placed on the plan indicating that there shall be no excavating, grading, filling, or otherwise disturbing of the land area designated as the secondary or alternate drain field area which would prevent it from being used in its specified manner in the future.

**§ 320-36. Easements.**

- A. The minimum width of easements shall be 15 feet for underground public utility facilities and drainage facilities and, wherever possible, easements for public utilities shall be centered on side or rear lot lines. Additional width may be required by the Supervisors on recommendation of the Planning Commission and/or Engineer depending on the purpose and use of the easement.
- B. Easements with a width of 10 feet shall be provided as necessary for each utility within a multiple utility easement.
- C. Where a subdivision or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage way, channel or stream, and of such width as

will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities, or for the purpose of installing a stormwater sewer. The minimum allowed width for intermittent nonperennial streams or swales shall be 20 feet. Drainage easements shall be required along natural watercourses coinciding with the extent of the one-hundred-year floodplain, but in any case not less than 50 feet from each edge of stream bank (top of bank), for a total width of 100 feet (plus the width of the stream). Permanent drainage easements for man-made facilities and swales shall be a minimum of 20 feet in width.

- D. When any petroleum or natural gas transmission line traverses a subdivision or land development, the developer shall confer with the applicable transmission or distributing company to determine the minimum distance which shall be required between each proposed dwelling unit and the petroleum or petroleum products or natural gas transmission line, and provide evidence of such with the preliminary plan submission.
- E. Whenever practicable, easements shall be parallel with and conjunctive to property lines of the subdivision or land development.
- F. All easement agreements shall be recorded with a reference to the recorded easement indicated on the site plan.
- G. Snow removal easements. Snow removal stockpile easements shall be provided at all intersections and culs-de-sac. The snow removal stockpile easement shall be a minimum of 40 feet in length along the cartway. The depth shall be measured from the edge of the cartway and shall be the equivalent to the minimum building setback line but in no case less than 30 feet. No on-street parking, driveway, structure, any aboveground part of any utility, landscaping, or any other use shall be permitted along and within the snow removal stockpile easement that would interfere with the intended purpose of the easement. All snow removal stockpile easements shall be delineated on all plans and the restrictions on their use shall be noted on the plan. All locations shall be approved by the Township.

**§ 320-37. Stormwater management plan.**

- A. Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, and threatens public health and safety.
- B. Erosion and sedimentation control is an important aspect of stormwater management since the deposition of sediment in watercourses increases flood levels, reduces the water-carrying capacity of watercourses and destroys the biological balance in streams.
- C. The purpose of this section is to promote the public health, safety and welfare by minimizing damages with provisions designed to:

- (1) Control accelerated runoff and erosion and sedimentation problems at their source by regulating activities which cause such problems.
  - (2) Utilize and preserve the desirable existing watercourses and natural drainage systems.
  - (3) Encourage recharge of groundwaters.
  - (4) Maintain the existing flows and quality of streams and watercourses in the Township and the commonwealth.
  - (5) Preserve and restore the flood-carrying capacity of streams.
  - (6) Provide for proper maintenance of all permanent stormwater management structures which are constructed in the Township.
- D. The management of stormwater on the site, both during and upon completion of the disturbances associated with proposed subdivision, land development, or any construction, shall be accomplished in accordance with the minimum standards and criteria of this section. Nothing in these design standards and criteria shall relieve the owner, developer, designer, constructor, etc., thereof from the responsibility for the prevention of damage to any downstream property. The Township accepts neither liability nor responsibility for property damage or injury due to the use of these standards and criteria. The design of any temporary or permanent facilities and structures and the utilization of natural drainage systems shall be in full compliance with these minimum terms and the interpretations of the Township, county, and state officials.
- E. Applicability. Prior to the final approval of a subdivision and/or land development plan, or the issuance of any permit, or the commencement of any land disturbance activity, the owner, developer or his agent shall submit a stormwater management plan to the Township for approval.
- (1) The Township may waive the requirement of this article for residential subdivisions or land developments involving not more than two lots; however, no successive two-lot phases shall be permitted.
  - (2) At the time of application for a zoning permit for any approved lot created by a subdivision or land development under terms of this section, issuance of the permit shall be conditioned upon adherence to the terms of this section.
- F. Exemptions. The following activities are specifically exempt from the stormwater management and soil erosion and sediment pollution control plan preparation provisions of this chapter, but remain subject to the design criteria and performance standards specified within §§ 320-37 and 320-38:
- (1) Land disturbances affecting less than 5,000 square feet of ground surface.
  - (2) Land disturbance associated with the construction or alteration of one- and two-family dwellings, provided that the disturbance does not alter any stormwater conditions beyond the boundaries of the lot or alter provisions of a previously

approved stormwater management plan for the lot or encompassing subdivision or land development.

- (3) Use of land for gardening for home consumption.
  - (4) Agriculture when operated in accordance with a conservation plan or erosion and sediment pollution control plan prepared by the Conservation District.
  - (5) Forest management operations which are following the Department of Environmental Protection's management practices contained in its publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and are operating under an erosion and sediment pollution control plan.
- G. Plan content. The stormwater management plan shall consist of a map and a narrative and shall include the following items:
- (1) A general statement of the project, including the date the project is expected to begin and expected date final stabilization shall be completed. The project location shall be shown on a 7 1/2 minute USGS topographic map.
  - (2) Topographic features of the project area which shall be shown on the map are as follows:
    - (a) Existing and finished contours, in accordance with preliminary plan requirements.
    - (b) Boundary lines of the project area.
    - (c) Existing drainage and watercourses on the project and immediately adjoining properties such as floodplain, streams, lakes, ponds and easements which are necessary to properly evaluate the stormwater management plan.
    - (d) Other physical features, including existing land cover, drainage swales, and areas of natural vegetation to be preserved.
    - (e) Locations of existing and proposed underground utilities, sewers and water lines, accesses, rights-of-way and easements.
    - (f) An overlay showing soil types and boundaries, pursuant to the most recent version of the County Soil Survey.
  - (3) The proposed alteration to the area shall be shown on the map, including lots, streets, parking areas, storm drainage (swales, piping and inlets), erosion and sedimentation control facilities, areas of cut and fill and the limits of earth disturbance, easements, and all stormwater management facilities proposed.
    - (a) Where groundwater recharge methods, such as seepage pits, beds, trenches, or earthen berms are proposed, the locations of septic tank infiltration areas and wells must be shown.
    - (b) If stormwater management facilities are off site, a note on the plan indicating location and responsibility for conveyance and maintenance. All such off-site



facilities shall meet the design standards and criteria specified herein and shall be included with the plan. Computations shall be provided indicating that all off-site facilities are in accordance with the design criteria of this chapter.

- (c) Show 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. If the subdivision or land development is to be developed in stages, a general drainage plan for the entire subdivision or land development shall be presented with the first stage and appropriate development stages for the drainage system shall be indicated.
- (4) Supplemental plan information. In addition to the plan information enumerated above, the following information shall be submitted:
  - (a) Profiles of any existing and proposed watercourses, drainageways, channels or streams, including hydrologic capacity at top bank/channel full.
  - (b) Hydrologic, hydraulic, and structural computations for all proposed stormwater management facilities and measures.
  - (c) Construction methods and specifications, including the materials to be used for stormwater management structures and facilities.
  - (d) Existing and proposed use, including the total area of impervious surfaces after construction.
  - (e) Computations verifying the effect of the project on runoff volume and rate of flow on adjacent down stream properties and upon existing stormwater drainage systems when such will be utilized.
  - (f) The staging of earth-disturbing activities shall be described in the narrative, detailing the sequence of erosion control installation in relation to the installation of improvements.
  - (g) Temporary and permanent control measures and facilities, including holding facilities and swales, shall be shown on the map and described in the narrative.
  - (h) A maintenance program for all permanent stormwater management/erosion and sediment pollution control facilities must be included. This program must include the maintenance requirements and proposed ownership of the control facilities and detail the financial responsibility for any required maintenance.
  - (i) A declaration of adequacy from the District 8-0 Pennsylvania Department of Transportation office when utilization of a Pennsylvania Department of Transportation storm drainage structure or facility is proposed.
  - (j) Review and comments on the erosion and sediment pollution control plan by the Perry County Conservation District.
  - (k) The following signature block for the Township Engineer:

"I, \_\_\_\_\_, have reviewed the stormwater management plan and conclude that it complies with the design standards and criteria of the Rye Township Subdivision and Land Development Ordinance, Article VII, § 320-37."

- (5) Runoff calculations for control facilities.
  - (a) Peak discharge rates and runoff volumes from the drainage area(s) shall be calculated to determine the sizing of temporary and permanent facilities to control stormwater and erosion. For the purposes of this section, storm events shall be based upon the amount of runoff resulting from rainfall during a twenty-four-hour period in accordance with the following:

<b>Storm Events*</b>	
<b>Frequency (years)</b>	<b>Rainfall (inches)</b>
2	2.86
5	3.58
10	4.21
25	5.20
50	6.11
100	7.18

NOTES:

\* Source: NOAA Atlas 14 "Precipitation-Frequency Atlas of the United States."

- (b) Design of the stormwater management facilities outlined in the plan requires that runoff calculations be made for the site and areas and subareas which contribute drainage to the site. These calculations shall be based on land use, time of concentration and other standard aspects of hydraulic analysis and as outlined herein. Where detention facilities exist, existing condition discharges shall be computed considering the influence of existing detention facilities.

[1] Permanent control measures/facilities. Permanent stormwater control facilities shall be used to control runoff from land development facilities. Permanent control detention storage facilities shall be designed to assure that the postdevelopment five-year peak discharge will not exceed the predevelopment two-year peak discharge from the development. Permanent stormwater control facilities shall also be designed to ensure that postdevelopment peak rate discharges for the ten-year through and including the one-hundred-year event shall not exceed predevelopment rates.

- [2] Allowable design release rates from storage structures shall be based on the runoff from the two-year predevelopment storm event, for the primary outlet structure.
  - [3] Permanent postconstruction stormwater management facilities shall be used to control the volume of runoff by reducing the postdevelopment two-year, twenty-four-hour volume to the predevelopment runoff volume. Permanent postconstruction stormwater management facilities shall be investigated, designed, and constructed in accordance with the PA Department of Environmental Protection, Post Construction Stormwater Management Guidelines (April 2006).
- (c) All detention storage structures or facilities shall be designed with emergency spillways sufficient to handle the twenty-five-year postdevelopment storm event.
  - (d) Culverts, pipes, and other water-carrying structures shall be designed to convey peak discharges from the ten-year postdevelopment storm event.
  - (e) The stormwater management plan shall include calculations indicating velocities of flow, grades, sizes, and capacities of water carrying structures, debris or sedimentation basins, and retention and detention ponds and sufficient design information to construct such facilities.
  - (f) Runoff calculations shall be submitted to demonstrate that runoff from the fully developed upstream watershed area (based on the Township Land Use Plan) can be accommodated by existing or proposed drainage facilities, drainage easements, and watercourses on and/or adjacent to the proposed development site.
- H. Stormwater management criteria. The quantity, velocity and direction of stormwater runoff must be managed in a manner which protects health and property from possible injury and prevents impairment of streets and other public facilities. All natural streams, channels, swales, wetlands, drainage systems, and/or areas of surface water concentration shall be maintained in their existing condition, unless an alteration is approved by the Township. All encroachment activities shall comply with the requirements of Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania Department of Environmental Protection.
- (1) Stormwater management alternatives. The stormwater management practices to be utilized in developing a stormwater management plan shall be in accordance with the following with respect to increasing size of the proposed subdivision or land development plan:
    - (a) Infiltration of roof runoff on lot using seepage pits, trenches, terraces, earthen berms, or other infiltration structures, as appropriate.
    - (b) Stormwater retention structures: cisterns, grass channels and vegetated strips for peak flow attenuation.

- (c) Stormwater detention structures designed as permanent wet ponds or dry basins.
  - (d) Combined development and/or watershed-basinwide detention facilities in consultation with Rye Township.
- (2) Computation methods. All plans and designs for stormwater management facilities shall be reviewed by the Township Engineer.
- (a) Plans for facilities other than storm sewers shall determine stormwater peak discharge and runoff by the use of the Soil Cover Complex Method as set forth in Urban Hydrology for Small Watersheds, Technical Release No. 55, with specific attention given to antecedent moisture conditions, flood routing, and peak discharge specifications included therein and Hydrology National Engineering Handbook, Section 4, both by United States Department of Agriculture, Natural Resources Conservation Service (NRCS). The Township Engineer may permit the use of the Rational Method for calculation of runoff from sites of 10 acres or less, in accordance with Appendix E: Stormwater Management, Table E-2.<sup>28</sup> In establishing the antecedent conditions for calculating runoff prior to development, the following assumptions shall apply:
    - [1] Woodland in good condition shall be used as the prior condition for those portions of the watershed having tree masses consisting of trees of greater than six inches DBH or where such trees existed within 18 months of application.
    - [2] Meadow in good condition shall be used for all other areas, including areas which are presently covered by impervious surfaces, in cultivation or disturbed.
    - [3] Average antecedent moisture conditions.
    - [4] A Type II distribution storm.
  - (b) The Rational Method may be used in lieu of the Soil Cover Complex Method to compute peak design flows for the sizing of storm sewers, inlets and swales in accordance with parameters contained in Appendix E: Stormwater Management. Complex sewers involving issues relating to lagged peak flow rates shall require analysis using TR 55, TR 20, or other computerized flood routing computations. Methods approved by the Pennsylvania Department of Transportation and/or Environmental Protection shall be used to design the waterway areas of bridges.
  - (c) Infiltration/groundwater recharge stormwater management facilities shall be located, designed, and constructed in accordance with Appendix E: Stormwater Management and the Pennsylvania Department of Environmental

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28. Editor's Note: Appendix E is included as an attachment to this chapter.

Protection's Post Construction Stormwater Management Guidelines (April 2006).

- (3) Infiltration guidelines and criteria.
  - (a) Subdivisions or land development in which impervious cover of natural ground is increased shall provide facilities to minimize the total increase in stormwater runoff over and above that which would have occurred from the land prior to development.
  - (b) Facilities which provide for percolation and/or storage of water, including cisterns, french drains, seepage pits, and seepage terraces shall be provided to limit site runoff increases in those areas where soils and water table conditions permit, as determined by soils analysis required under § 320-35 of this chapter.
  - (c) On wooded lots, future runoff increases shall be limited through deed restriction prescribing minimum disturbance/minimum maintenance areas where special care is taken to preserve existing site vegetation through careful control of the envelope of disturbance during proposed new construction in accordance with § 320-49.
  - (d) Vegetated berms or other approved runoff trapping devices such as cisterns may be used in lieu of or in conjunction with infiltration facilities where site conditions limit the use of infiltration techniques.
  - (e) Measures may be imposed to protect against groundwater or surface water pollution where the type of business or the nature of the soils underlying a runoff structure would constitute a substantial risk of contamination.
- (4) Storm drainage criteria. The following provisions shall apply to the carrying and disposal of stormwater runoff:
  - (a) All drainage facilities shall be designed in the most practicable fashion to control surface water runoff in such a manner as to prevent erosion and flooding. Such facilities shall be designed to retard the rate of stormwater runoff.
  - (b) When evidence available to the Township indicates that natural surface drainage is inadequate, the developer shall install drainage swales, culverts, storm sewers, and/or other related facilities as necessary to:
    - [1] Provide positive drainage away from on-site sewage disposal facilities;
    - [2] Provide positive drainage away from new and existing buildings by ensuring that structures can be situated satisfactorily with respect to the proposed or existing grade of the adjacent street.
    - [3] Intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained, as required to prevent the

accumulation of excessive gutter flow and ensure drainage of all low points along streets.

- [4] Direct water from springs and street rights-of-way and avoid excessive use of cross-gutters at street intersections and elsewhere.
- (c) The design of storm drainage and stormwater management installations shall give special consideration to preventing excess runoff to, and/or concentration of stormwater on, adjacent properties, as required in this chapter.
  - (d) The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
  - (e) No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the developer for properly handling such conditions.
  - (f) All streets shall be designed so as to provide for the discharge of surface water away from their right-of-way.
  - (g) Storm drainage facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge. Stabilization measures shall be designed in accordance with allowable velocities (see Appendix E: Stormwater Management, Section 1).<sup>29</sup>
- (5) Storm sewer/roadway drainage criteria.
- (a) The use of properly designed, graded, and turfed drainage swales is encouraged where site conditions (soils, slopes) permit in residential areas. Vegetated swales shall be designed not only to carry the required discharge without excessive erosion, but also to increase the time of concentration, reduce the peak discharge and velocity, and permit the water to percolate into the soil, where appropriate. Criteria related to the use and design of drainage swales are contained in Appendix E: Stormwater Management, Section II.
  - (b) A "culverts required" note shall be indicated on the plan for all lots with driveways in open pavement, sections (noncurbed), where the ten-year design flow in the roadside ditch exceeds three cubic feet per second (cfs). For lesser discharges, the flow may be carried across the driveway in a paved swale which does not disrupt the continuity of the side road drainage system, nor direct flow onto the roadway.
  - (c) Where the use of vegetated swales is restricted by site conditions, paved shoulders and drainage ways shall be provided within the right-of-way. Rolled back bituminous buildups to control runoff and erosion shall be

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29. Editor's Note: Appendix E is included as an attachment to this chapter.

provided at the base of the roadway cut. Rock-lined swales shall not be permitted within the right-of-way.

- (d) Storm sewers and inlets shall be provided where accumulated runoff in road or drainage swales exceeds velocities of nine feet per second and in areas from which the surface or subsurface drainage could impair public safety or cause physical damage to adjacent lands or public property, as determined by procedures outlined in the Pennsylvania Department of Transportation, DM2 Chapter 10. D-H inlets may be used where grades exceed 8%.
- (6) Stormwater detention criteria.
- (a) Stormwater detention facilities shall be used whenever increased runoff from the land development would overload drainage systems or cause significant increases in flood levels in any watercourses downstream. This will be determined by comparing the increase in runoff caused by the land development with the existing runoff rates and capacity of downstream drainage systems and watercourses using standard hydrologic and hydraulic computational methods approved by the Township Engineer. In the event the available capacity of existing downstream drainage facilities is determined to be less than the allowable detention facility release rate permitted under § 320-37G(5)(b) the allowable design release rate for the detention facility shall be reduced to no more than the peak capacity of the controlling downstream structure adjusted to allow for the peak flows from other tributary areas of the watershed. That is, the allowable detention facility release rate shall be adjusted so as not to overtax the capacity of the downstream structures for the design storm conditions.
  - (b) Downstream analysis where deemed necessary by the Township Engineer. The developer shall submit an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications and peak discharges released from the proposed development on a dam, highway, structure, or natural point of restricted stream flow.
  - (c) Where required by the Township, stormwater detention facilities shall be provided in residential subdivision and land developments in addition to or in replacement of on-lot infiltration facilities to control increased runoff from road and driveway surfaces, and alone for the control of increased runoff from higher density residential, commercial, and industrial uses.
  - (d) Off-site improvements. Any increase in runoff may require necessary corrective measures deemed appropriate by the Board of Supervisors to alleviate any off-site drainage problem affected by the subdivision or land development. The costs for such measures will be borne entirely by the developer, including deed of easement. The specific off-site drainage improvements required shall be those specified by the Township Board of Supervisors.

- (e) Multipurpose/watershed basins.
    - [1] Stormwater management facilities designed to serve more than one property or development in the same watershed or drainage basin are encouraged. Watershed basins properly designed and located eliminate the need for numerous smaller basins using staged construction techniques.
    - [2] Multipurpose basins designed to provide recreational area or permanent ponds designed with detention capacity, providing wildlife habitat and fire pond functions, are strongly encouraged. Consultation with the Township is required prior to the design of such facilities.
  - (f) If, as determined by the Township Engineer, the size of pipes, culverts, swales, drainage channels, inlets, or detention ponds and their appurtenant structures are insufficient, the Board of Supervisors may require the developer to increase the size of such stormwater management facilities. The following criteria shall guide this determination. A ten-year design storm is appropriate where a storm in excess of this design storm would have only minor impact such as inconvenience to traffic on local streets. A twenty-five-year design storm is appropriate where a storm in excess of this design storm would cause major inconvenience to people and traffic in high use areas such as business districts and major highways. A one-hundred-year design storm is appropriate where a storm in excess of this design storm would cause damage to existing or future structures or their contents.
  - (g) Stormwater detention facilities shall be designed in accordance with Appendix E: Stormwater Management, Section IV.
- (7) Drainage easements.
- (a) It shall be the responsibility of the developer to obtain from the adjacent property owners any easements or other necessary property interest concerning flowage of water. Approval of a stormwater management plan does not create or affect any such rights.
  - (b) The applicant shall agree to the granting and recording of easements for drainage facilities, including the acceptance of the discharge of water from the property of others; provisions for maintenance of slopes and swales; and access for the maintenance of anti-erosion and/or detention facilities.
  - (c) Existing watercourses, which are under the jurisdiction of the Pennsylvania Department of Environmental Protection, into which stormwater is permitted to be deposited, shall require an easement within or adjacent to its banks equal to the one-hundred-year floodplain. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations which may adversely affect the flow of stormwater within any portion of the easement.



- (d) Where proposed stormwater management facilities are not adjacent to proposed or existing public rights-of-way or are not accessible due to physical constraints, as determined by the Township Engineer, a twenty-foot wide passable access easement specifying rights of entry shall be provided. Access easements shall provide for vehicle ingress and egress on grades of less than 10% for carrying out inspection or maintenance activities.
  - (e) Easements shall stipulate that no trees, shrubs, structures, excavation, or fill be placed, and no regrading be performed within the area of the easement without written approval from the Board of Supervisors, upon review and recommendation by the Township Engineer.
- I. Ownership and maintenance program. Each stormwater management/erosion and sediment pollution control plan shall contain provisions which clearly set forth the ownership and maintenance responsibility of all permanent stormwater management and erosion and sediment control facilities, including:
- (1) Description of maintenance requirements.
  - (2) Establishment of suitable easements for access to all facilities by county and Township officials.
  - (3) Identification of the responsible party or entity for ownership and maintenance of both temporary and permanent stormwater management and erosion control facilities. In meeting this requirement, the following options are provided for, upon approval of the Board of Supervisors and Township Engineer:
    - (a) Facilities should be incorporated within individual lots so that the respective lot owners will own and be responsible for maintenance in accordance with recorded deed restrictions. A description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
    - (b) Ownership and maintenance may be the responsibility of a homeowners' association. The stated responsibilities of the homeowners' association in terms of owning and maintaining the stormwater management facilities shall be submitted with final plans for determination of their adequacy, and upon their approval shall be recorded with the approved subdivision or land development plan among the deed records of Perry County, Pennsylvania. In addition, the approved subdivision or land development plan and any deed written from said plan for a lot or lots shown therein shall contain a condition that it shall be mandatory for the owner or owners of said lot to be members of said homeowners' association. For stormwater management facilities that are proposed as part of the site development plan, the developer will be required to execute a developer agreement and a maintenance agreement with Rye Township for the construction and continued maintenance of the facilities prior to the signature approval on the final plan. Access shall be provided, at any reasonable time, for inspection by the Township of all such facilities deemed critical to the public welfare.

- (c) In the event the above options cannot be achieved, or where required, facilities may be dedicated to the Township in accordance with this chapter. As a condition of Township acceptance of said facilities, the applicant shall provide sufficient funds, as estimated by the applicant's engineer and approved by the Township Engineer, to cover anticipated maintenance costs for 18 months from the date of acceptance and dedication of improvements for the final phase of any subdivision or land development.
- (4) Maintenance inspections may be performed by the Township to ensure proper functioning of all stormwater management facilities. These inspections may at a minimum be performed annually and/or following major storm events.
- (5) If the Township determines at any time that any permanent stormwater management control facility has been eliminated, altered, or improperly maintained, the owner of the property shall be advised of the corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the Township may cause the work to be done and backcharge all costs to the property owners.

**§ 320-38. Erosion and sediment pollution control criteria.**

- A. All plans for erosion and sediment pollution control shall conform to the plan content requirements of the most current version of Pennsylvania Department of Environmental Protection's "Erosion and Sediment Pollution Control Program Manual," and meet the requirements of the Clean Streams Law, Act of June 22, 1937, P.L. 1987 as amended, 35 P.S. § 691.1 et seq., and 25 Pa. Code § 102.1 et seq., Erosion control.
- B. The Perry Conservation District has been delegated the authority by the Pennsylvania Department of Environmental Protection to administer the Erosion and Sediment Pollution Control Program in Perry County. It shall be the responsibility of the land developer to submit the erosion and sediment pollution control plan application and other necessary material to Rye Township for submission to the Conservation District. Comments shall be received and the erosion and sediment pollution control plan approval obtained from the Conservation District prior to final plan approval.
- C. In order to prevent accelerated erosion and resulting sedimentation, land disturbance activities relating to an approved subdivision or land development or any activity involving land disturbance, whether or not a stormwater management plan is prepared or a permit obtained in accordance with this chapter, shall be conducted in conformance with the Clean Streams Law, Act of June 22, 1937, P.L. 1987 as amended, 35 P.S. § 691.1 et seq., and 25 Pa. Code 102.1 et seq., Erosion control.
- D. Unless approved by the Planning Commission and the Board of Supervisors, no change may be made in the existing topography which would:
  - (1) Divert water to or from the property of another landowner.
  - (2) Create a slope which exceeds 33% or the angle of repose for the material involved, whichever is less.

- (3) Create a slope that is unprotected from erosion.
  - (4) Create within 20 feet of the development's property line any fill slope with a gradient exceeding 3:1 (horizontal to vertical) or any cut slope with a gradient exceeding 2:1 (horizontal to vertical), unless a retaining wall or other structure is provided which is acceptable to the Township. Retaining walls shall be no greater than six feet in height and shall be designed by a licensed professional engineer. Retaining walls in excess of four feet shall be designed and approved in accordance with the requirements of the Uniform Construction Code (UCC).
- E. There shall be no increase in discharge of sediment or other solid materials from the site as a result of stormwater runoff. Stripping of vegetation, regrading or other development shall be done in such a way that will minimize erosion.
  - F. Erosion and sedimentation devices, such as temporary vegetation/mulch, temporary detention basins, diversion terraces, rock filter berms, or hay bales (in areas of minimum flows) appropriate to the scale of operations, shall be installed concurrent with earthmoving activities and whenever a situation is created which would contribute to increased erosion in accordance with the approved erosion and sediment pollution control plan.
  - G. No earthmoving or stripping of vegetation will be conducted in areas of greater than 25% slope unless specific approval is obtained from the County Conservation District and the Board of Supervisors upon recommendation of the Township Engineer.
  - H. Earthmoving and the addition of fill shall be minimized where possible and practicable to preserve desirable natural features, vegetation, and the topography of the site. Changes in grade, topography and other earthmoving shall be in accordance with the erosion and sediment pollution control plan and approved by the Board of Supervisors. Any alterations of a natural watercourse, drainage channel, swale, ditch, or other drainage facility shall have prior approval of the Board of Supervisors, the Perry County Conservation District, and the Pennsylvania Department of Environmental Protection.
  - I. To the maximum extent practicable, mature healthy trees of at least six inches DBH and other significant existing vegetation shall be retained and protected during construction. Such trees shall not be removed, except as provided on the approved subdivision or land development plan. The filling of soil over the roots of trees to be preserved is prohibited. (The roots are presumed to extend out from the tree as far as the tree's branches extend outward.)
  - J. Land disturbance shall be limited to the actual construction site and an access strip. The amount of disturbed area and the duration of exposure shall be kept to a practical minimum.
  - K. Protection of adjacent property.
    - (1) If, in the opinion of the Township Engineer, the nature of the earthmoving is such as to create a hazard to life or property, unless adequately safeguarded, the applicant shall construct walls, fences, guide rails, or other structures to safeguard the public street, sidewalk, alley, or other public property and persons.

- (2) No person shall dump, move, or place any soil, bedrock, or other material or divert or increase the flow of water so as to cause the same to be deposited upon or roll, flow, or wash upon or over the premises of another without the express consent of the owner of such premises so affected, or upon or over any public street, street improvement, road, storm sewer drain, watercourse, or right-of-way or any public property.
  - (3) No person shall, when hauling soil, bedrock, or other material over any public street, road, alley, or public property, allow such material to blow or spill over and upon such street, road, alley, or public property or adjacent private property.
- L. Topsoil shall not be removed from the development site or used as fill. Topsoil shall be removed from the areas of construction and stored or stockpiled separately. The topsoil shall be stabilized to minimize erosion during storage. Upon completion of the construction, topsoil must be uniformly redistributed on the site, and stabilized in accordance with § 320-49, Planting requirements. All final-graded surfaces shall be seeded, sodded, planted or otherwise protected from erosion within 30 days, weather permitting, and shall be watered, tended and maintained until growth is well established. The disturbed areas and duration of exposure shall be kept to a practical minimum.
- M. Where a construction access road, driveway, or future street intersects an existing public right-of-way, a construction entrance consisting of a minimum of 35 feet in length of AASHTO No. 1 coarse aggregate with a thickness of six inches or a suitable alternative material, for tire cleaning of construction vehicles, shall be installed prior to use of the access road by vehicles.
- N. The permanent (final) vegetative and structural erosion control and drainage measures shall be installed within six months on building construction sites and within one year on approved subdivision and land developments.
- O. No person, firm or corporation shall fail to adequately maintain in good operating order any drainage facility on his premises. All watercourses, drainage ditches, culverts, drain pipes and drainage structures shall be kept open and free flowing at all times.
- P. Remedies. In cases of any paving, filling, stripping, grading or regrading; any disturbing, modifying, blocking or diverting the natural overland or subsurface flow of stormwater; or any construction, erection and installation of any dam, ditch, culvert, drain pipe, bridge, or any other structure or obstruction affecting the drainage of any premises, in violation of this section, or any regulations made pursuant thereto, the proper Township authorities, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent such unlawful activity; to restrain, correct or abate such violation; to prevent the use of the applicable premises; or to prevent any illegal act, conduct business or use in or about such premises. In addition, upon failure of the permit holder to complete the control measures specified in his application, the Township may, after revoking such permit, proceed to complete such measures itself, and recover the cost thereof from the permittee or his surety.

Q. All subdivision and land development related construction shall in general follow the guidelines outlined in Appendix F: Guidelines for Minimizing Erosion and Sedimentation.<sup>30</sup>

**§ 320-39. Determination of slope.**

- A. This section applies to all subdivisions and land developments.
- B. The slope area per lot shall be determined from a slope map. The slope map shall be prepared in the following manner:
  - (1) At the time of the preliminary plan submission, provide a topographic map of the proposed parcel that identifies by shading the areas where lot slope is between 15% and 25% and greater than 25%. This map is only to include proposed lot boundaries, ten-foot contours taken from USGS maps (or more refined site topography certified by a professional surveyor), and the following completed summary table:

<b>Lot No.</b>	<b>Lot Area With Slope Greater Than 15% As Computed From Slope Map (square feet)</b>	<b>Proposed Lot Size (acres)*</b>	<b>Required Lot Size (acres)</b>
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\* Excluding areas with slope greater than 25%.

- (2) Required lot size shall be in accordance with the particular zoning district regulations.

**§ 320-40. Restrictive slopes.**

Slope areas of 25% or greater shall not be included as part of the developable lot area. Absent an approved land development plan, such areas shall not be disturbed and shall be preserved and protected in accordance with § 320-33E and remain in open space.

**§ 320-41. Steep slopes.**

Where the average slope of a building lot exceeds 15%, but is less than 25%, a suitable site development plan shall be prepared. Developers must show that a suitable land development plan can be achieved on all lots with greater than 50% steep slope areas or where access necessitates crossing each steep slope area. A suitable site development plan for steep slope lots will demonstrate that accelerated soil erosion will not result from concentrated flows; no more than 10% of the steep slope area will be altered; and clearing and grading operations will be minimized to the greatest extent and limited to the sitting of a single-family dwelling, its driveway and the septic system. Septic systems on slopes from 15% to less than 25% shall

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30. Editor's Note: Appendix F is included as an attachment to this chapter.

be designed with a long, narrow drainage field following the land contours. Finished slopes of all cuts and fills shall not exceed 33%.

- A. Before a permit is issued for any construction or land disturbance activity on land within or affecting steep slope areas, the following documentation, in full or in pertinent parts, shall be submitted to the Planning Commission and/or Zoning Officer for review by them/him and the Township Engineer:
- (1) Site plan of the property indicating existing grades with contour lines at five-foot intervals and proposed grades within the area of the proposed construction. All areas of restrictive and/or steep slope shall be shaded accordingly.
  - (2) Landscaping plan indicating proposed impervious surfaces, storm drainage facilities, retaining walls and ground cover, as well as trees and ornamental shrub locations.
  - (3) Architectural plans, elevations, and sections.
  - (4) A statement, signed and sealed by a registered architect or engineer, explaining the building methods to be used in overcoming foundation and other structural problems created by slope conditions, and methods for preserving the natural watersheds and preventing soil erosion and excessive surface water runoff to neighboring properties and/or streets.
  - (5) Plan, profile and typical cross sections of any proposed road or driveway, with the seal of a registered professional engineer thereon. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill.
  - (6) A statement, signed by the owner or future occupant at the time of subdivision, land development or zoning permit application, that there is a full understanding of any difficulties associated with access stemming from steep slopes.
- B. No zoning permit shall be issued by the Codes Enforcement Officer until the plan has been reviewed and approved by the Township.
- C. Site suitability plans shall be in conformance with design criteria for stormwater management, as contained in § 320-37, and erosion and sediment pollution control as contained in § 320-38 of this chapter.
- D. Township liability. The granting of a zoning permit or approval of a subdivision or land development plan containing steep slope areas shall not constitute a representation, guarantee, or warranty of any kind by Rye Township, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon Rye Township, its officials or employees.

**§ 320-42. Soils engineering and hydrogeologic reports.**

- A. The following information shall be submitted for major subdivisions or land developments and plans proposing the dedication of improvements for acceptance by the Township:

- (1) A soils and geotechnical engineering report investigating site characteristics of the subject property to include the nature, distribution, and suitability of subsurface soils for load-bearing stability and compaction; extent, description, and location of exposed rock; erodibility potential of surface soils; permeability and available water-infiltration capacity; depth to bedrock and seasonal high-water table; and the location, type, and intensity of vegetative cover on the subject property.
  - (2) A hydrogeologic report investigating conditions of the site's underlying geologic formation and the hydrogeologic characteristics and impacts of the proposed development.
- B. Both reports must demonstrate that any adverse impacts can be overcome in such a manner as to prevent hazard to life and property and to maintain amenable site features for stormwater management, soil erosion and sedimentation control, vegetative cover and exposed rock stability, in accordance with the criteria contained herein.

**§ 320-43. Water supply.**

- A. Public and community water supply systems. In the event that water is to be provided by a means other than private wells, owned and maintained by the individual owners of lots within a subdivision or land development, applicants shall present evidence to the Board of Supervisors and Planning Commission that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association, or by a municipal corporation authority or utility. A copy of the certificate of public convenience under the Pennsylvania Public Utilities Commission, or an application for such certificate, a cooperative agreement or a commitment, or an agreement to serve the area in question, whichever is appropriate, shall be evidence of the supply of water as set forth above other than by means of private wells.
- B. Individual on-lot water supply systems. The Board of Supervisors will approve individual on-lot water supply systems only when the feasibility study indicates that:
- (1) Justification of the project necessitates consideration of this method, including:
    - (a) The water supply yield is adequate for the type of development proposed.
    - (b) The installation of such systems will not endanger or decrease groundwater supplies of properties adjacent to the land development.
  - (2) In the case of minor subdivisions, the water supply feasibility study may not be required.
  - (3) The feasibility report for development in which building lots will not be connected to public water lines shall consist of a hydrogeologic assessment of the proposed development as follows:
    - (a) A preliminary hydrogeologic assessment shall be provided for all major subdivisions, or a single land development utilizing in excess of 1,000 gallons per day, and shall include the following items:

- [1] Location and character of geologic boundaries, including recharge rates from various accepted studies as percentage of annual rainfall.
  - [2] Average annual rainfall reduced to account for drought conditions (40% of total average).
  - [3] Calculated drought-year recharge based on the smallest proposed lot areas in gallons/day (gpd).
  - [4] Comparison of recharge to anticipated daily water usage for typical single-family dwelling (300 gpd).
  - [5] Compiled and mapped well driller's records for wells within 1/4 mile of the proposed development from the well water inventory of the PA Geologic Survey and other available sources.
  - [6] Analysis of all drilled wells required herein.
- (b) Drilled wells shall be included in the assessment as follows:
- [1] For developments of five lots or less or a single land development a well shall be drilled on each lot.
  - [2] For developments of six to 20 lots test wells shall be drilled on six lots plus 50% of the remaining lots.
  - [3] For developments of 21 lots or more, test wells shall be drilled on 13 lots plus 25% of the remaining lots.
- (c) Upon completion of the individual water supply wells, a well pump test must be performed and the following information submitted to the Township:
- [1] Well capacity; depth of well; depth of pump intake; and static water level, undisturbed for 24 hours.
  - [2] The measured water level after pumping as follows:

<b>Well Capacity*</b> <b>(gpm)</b>	<b>Pumping Time</b>
1 to 4	Pump 6 hours after drawdown
Over 4 to 8	Pump 3 hours after drawdown
Over 8	Pump 3 hours

**NOTES:**

\* Minimum acceptable well capacity is 1 gpm.

- (d) Subdivision and land development plans submitted with feasibility reports that do not clearly justify adequate groundwater resources for the subdivision



for land development will not be approved unless connection to a public water supply with adequate capacity is proposed.

**§ 320-44. Individual and/or common driveways.**

All applications for zoning permits, conditional uses and special exception uses shall comply with the requirements established herein. It shall be incumbent upon the applicant to demonstrate that access to individual lots can be achieved in conformance with the following standards and criteria:

A. General.

- (1) It is in the public interest to regulate the location, design, construction, maintenance and drainage of individual and common driveways, and other property within Rye Township highway right-of-way for the purpose of security, economy of maintenance, preservation of proper drainage, and safe and reasonable access.
- (2) Issuance of a permit under this chapter does not relieve the permittee from any additional responsibility to secure other federal, state or local approvals or permits as may be required by law.

B. Permit application.

- (1) No individual or common driveway, drainage facility, or structure within an existing or dedicated highway right-of-way of Rye Township, including temporary and permanent driveways, shall be constructed or altered and no drainage facility of the Township shall be altered or connected onto without first obtaining a permit from the Township. A permit may not be required for general maintenance of an existing improvement. General maintenance shall mean crack sealing, surface seal coat, etc. General maintenance shall not include overlaying of surface, grading of area, installation of drainage pipe, etc.
- (2) Permit applications shall be submitted in the name of, and executed by, the owner of the property.
- (3) Applications shall be submitted prior to the construction of any building or structure or any improvements to a property for which the proposed driveway will serve to assure that the driveway can be constructed in accordance with this chapter.
- (4) Permit application procedure and required information:
  - (a) Shall be submitted in person or by mail on a properly completed Township application form;
  - (b) Shall be signed by the applicant;
  - (c) Shall include two sets of plans detailing the location and pertinent dimensions of both the proposed installation and related highway features;

- (d) Shall be accompanied by a check or money order, payable to Rye Township, in the appropriate amount as set forth by resolution;
  - (e) Shall be submitted to the Township at least 20 working days prior to the anticipated start of work;
  - (f) Shall contain proof of ownership.
- (5) Traffic control plan. Submission of the traffic control plan shall be as follows:
- (a) When the applicant anticipates that it will be necessary to close a portion of a lane to vehicular traffic in order to perform the permitted work, the applicant shall submit a traffic control plan with the application.
  - (b) The traffic control plan shall be either:
    - [1] A detailed drawing, showing all traffic control devices; or
    - [2] A reference to a standard drawing found in PennDOT Publication 213, as amended, provided the referenced standard drawing properly depicts the work area and completely addresses the needed traffic control.
- (6) Authority to reject application. The Driveway Permit Officer or Engineer will examine and determine the genuineness, regularity, and legality of every application, and may reject any application if not satisfied of its genuineness, regularity or legality, or the truth of any statement contained in the application.
- (7) Entrance and center-line alignment of driveway shall be flagged/staked in the field by applicant prior to requesting a field verification by the Driveway Permit Officer.

C. Permit fees.

- (1) Permit application fees. Application fees shall be used to defray costs incurred by the Township in reviewing and processing the application and plan, including the preliminary review of the site location identified in the application, and issuing and processing the permit.
- (2) General permit inspection fees. General inspection fees shall be used to defray costs incurred by the Township in spot inspection of permitted work or subsequent inspection after the permitted work has been completed to ensure compliance with the permit and this chapter.
- (3) Additional inspection fees. If the Township determines that the permitted work is of sufficient magnitude or importance to warrant assignment of one or more employees to inspect the permitted work on a more than spot-inspection basis, the permit will so indicate and the permittee shall be charged for all salary, overhead, and expenses incurred by the Township for inspections.
- (4) Fees. The issuance and inspection fees shall be at the rate set forth in the Schedule of Fees for Highway Occupancy Permits established and set, from time to time, by resolution adopted by the Board of Supervisors.

- (5) Additional fees. If the Township determines that the permitted work warrants a traffic study or other engineering reviews, the permit will so indicate and the permittee shall be charged accordingly.

D. Issuance of permits.

- (1) Upon application duly made, in accordance with this chapter, a permit will be issued by the Township, subject to this chapter and conditions contained on the permit and its attachments and supplements. The permit will be the authority of the applicant to proceed with the work.
- (2) Permits will be issued only to the owners of the property. Permits will not be issued to contractors of the property owner or to any person other than the owner of the property.
- (3) Waiver of design requirements. Waiver of design requirements shall be as follows:
  - (a) If any design requirements set forth in this chapter cannot be met, the Township Supervisors, upon the report and recommendation by the Township Engineer, may waive the requirements herein if the following conditions are satisfied:
    - [1] No other reasonable access is available;
    - [2] The applicant has done all that can reasonably be done to satisfy the design requirements;
    - [3] No traffic problem or safety issue will be created; and
    - [4] The applicant executes an indemnity agreement satisfactory to the Township.
  - (b) In the case of a temporary access for extracting natural resources, driveway permits shall be valid for a period of no more than one year.
- (4) Requesting permit time extension: If the permittee has not completed all authorized work by the completion date specified on the permit, an application shall be submitted requesting a time extension. If approved, a supplement may be issued authorizing work to continue for an additional six-month period or multiples thereof.
- (5) When all permitted work has been completed, the permittee must notify the Township within 15 days of completion of the work.

E. General conditions. The following conditions shall apply to permits issued under the provisions of this chapter:

- (1) The permit shall be binding upon the permittee, its agents, contractors, successors, and assigns.
  - (a) The permittee shall be responsible for causing compliance with all terms and conditions of the permit by its employees, agents, and contractors.

- (b) The permit shall be maintained by the permittee as a permanent record and remain in effect, subject to the permit conditions and this chapter, as long as the driveway or the facility authorized by the permit exists.
  - (c) The permittee shall be principally liable to the Township for any failure to comply with the permit and this chapter. The principal liability of the permittee to the Township shall not preclude the permittee or the Township from bringing any action against the permittee's contractor, subcontractor, engineer, architect, or any other person.
  - (d) The Township, in granting a permit, will waive none of its powers or rights to require the future change in operation, removal, relocation, or proper maintenance of any access within the Township right-of-way.
- (2) Permittee responsibilities shall be as follows:
- (a) The permittee shall pay all fees, costs, and expenses incident to or arising from the project, including the cost of related highway improvements which increased traffic or surface drainage may necessitate. The permittee shall reimburse the Township for any and all inspections costs within 30 days after receipt of the Township's invoice.
  - (b) In the event of failure or neglect by the permittee to perform and comply with the permit or the provisions of this chapter, the Township may immediately revoke and annul the permit and order and direct the permittee to remove any or all structures, equipment or property belonging to the permittee or its contractors from the legal limits of the right-of-way and to restore the right-of-way to its former condition.
- (3) All disturbed slopes or earthen areas shall be restored to their original condition or in a manner approved by the Township and/or Perry County Conservation District.
- (4) Altering drainage prohibited. Unless specifically authorized by the permit, the permittee shall not:
- (a) Alter the existing drainage pattern or the existing flow of drainage water; or
  - (b) Direct additional drainage of surface water onto or into the highway right-of-way or highway facilities in a way which would have a detrimental affect on the highway or highway facilities.
- (5) Maintenance and protection of traffic shall be carried out in accordance with the requirements of the PennDOT, as set forth in Publication 213, as amended, regarding traffic control signs and devices.
- (6) All disturbed portions of the highway, including slopes and all appurtenances and structures such as guide rail or drain pipes, shall be restored by the permittee to a condition at least equal to that which existed before the start of any work authorized by the permit.

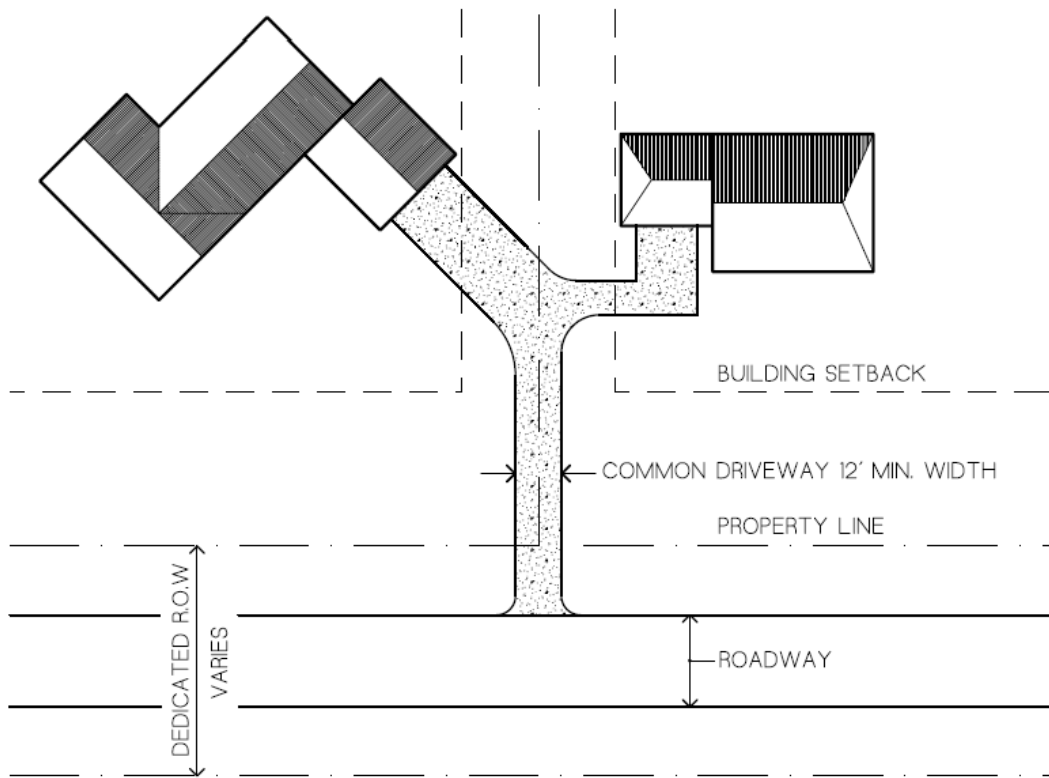
- (7) All driveways and adjacent areas within the highway right-of-way shall be continuously maintained by the property owner so as to conform to the permit and so as not to interfere or be inconsistent with the design, maintenance, and drainage of the highway, or the safe and convenient passage of traffic upon the highway.
- (8) Indemnification. The permittee shall fully indemnify and save harmless and defend Rye Township, its agents and employees, of and from all liability for damages or injury occurring to any person or persons or property through or in consequence of any act or omission of any contractor, agent, servant, employee, or person engaged or employee in, about, or upon the work, by or with the approval or consent of the permittee; for any failure of the permittee or any such person to comply with the permit or this chapter; and, for a period of two years after completion of the permitted work, from the failure of the highway in the immediate area of the work performed under the permit where there is no similar failure of the highway beyond the area adjacent to the area of the permitted work.
- (9) Use of highway prohibited. Prohibited use of the highway shall be as follows:
  - (a) No part of the right-of-way shall be used for servicing vehicles, displays or conducting business. The area between the edge of the pavement and the right-of-way line shall be kept clear of all buildings, sales exhibits, business signs, vehicles, service equipment, fences, agricultural crops, shrubbery, trees and similar items.
  - (b) Improvements on private property adjacent to the right-of-way shall be so located that parking, stopping, and maneuvering of vehicles or equipment on the right-of-way will not be necessary in order for vehicles, equipment, or patrons to be served.

F. Individual and common driveway requirements.

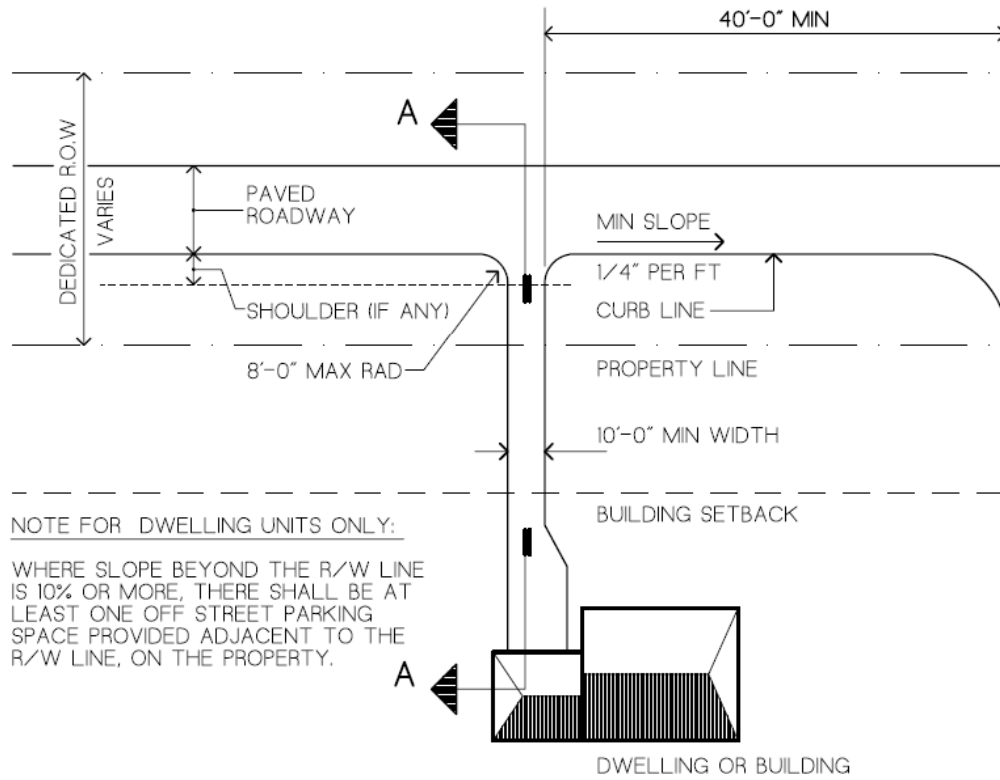
- (1) General rule. All driveways shall be located, designed, constructed, and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the highway, street, and/or private driveway.
- (2) General location restrictions. Access driveways shall be permitted at locations in which:
  - (a) Sight distance is adequate to safely allow each permitted movement to be made into or out of the driveway;
  - (b) The free movement of normal highway traffic is not impaired;
  - (c) The driveway will not create hazard; and
  - (d) The driveway will not create an area of undue traffic congestion on the highway.
- (3) Number of driveways. The number and location of driveways which may be granted will be based on usage, interior and exterior traffic patterns, and current design policy of the Township.

- (a) Only one driveway will be permitted for a residential property and not more than two driveways will be permitted for a nonresidential property.
  - (b) If the property frontage exceeds 600 feet, the Township may authorize an additional driveway.
- G. Individual and common driveway design requirements. The general driveway design shall meet the minimum requirements of the Commonwealth of Pennsylvania, Pennsylvania Code, Title 67, Transportation, Department of Transportation, Chapter 441, Section 441.8, Driveway Design Requirements, and 441.9, Driveway Layout Illustrations, as amended, except as modified herein. Figures 320-44G.1 and 320-44G.2 provide illustrations of requirements for common and individual driveways, respectively.
  - (1) Driveways on corner lots shall be located at least 40 feet from the point of intersection of the nearest street right-of-way lines.
  - (2) Driveway grades shall not exceed 14%. In all districts driveways shall be paved where grades exceed 10%. Driveways in excess of 14% shall require authorization from the Board of Supervisors, and in no case shall the grade exceed 6% for the first 12 feet of driveway measured from the road cartway. Driveway change in grades shall comply with PennDOT requirements. See Figure 320-44G.3.
  - (3) For residential dwelling units, where the slope beyond the right-of-way line is 10% or more, there shall be at least one off-street parking space provided adjacent to the right-of-way line on the property.
  - (4) All driveways shall be located, designed, constructed, and maintained in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the highway, and appurtenant or abutting drainage facilities or swale.
  - (5) Where a drive enters the street through a cut in a ground bank, the shoulders and slope of the cut may not exceed a 2:1 (horizontal to vertical) ratio. Fill slopes shall not exceed 3:1 (horizontal to vertical) ratio.
  - (6) Driveways and off-street parking areas in all residential, commercial, and industrial-manufacturing districts shall be paved. Driveways and off-street parking areas in all other districts, unless otherwise stipulated, shall be constructed to and maintained in a mud-free condition, except that the area from the edge of pavement to the right-of-way line shall be paved.
  - (7) Driveway paving shall be a minimum of the following:
    - (a) Four inches compacted 3A stone with screenings.
    - (b) One and one-half inches ID-2.
  - (8) All paving shall be placed within 90 days of final grading or prior to issuance of certificate of use.
  - (9) A common driveway may serve no more than two contiguous lots or units.

- (10) Common driveways shall have a minimum cartway width of 12 feet, paved to Township specifications.
- (11) No parallel and immediate adjacent common driveways are permitted. All common driveways shall be separated by an area to conform to the appropriate zoning district setback regulations.
- (12) An easement of access and maintenance agreement shall be defined to the satisfaction of the Board of Supervisors and included on the plan and deed of record.
- (13) Driveways shall not cross the street right-of-way within five feet of a fire hydrant, catch basin or drain inlet.
- (14) Driveways shall not cross the street right-of-way in multifamily, commercial, and industrial districts within 20 feet of a property line unless two adjoining property owners mutually agree, in a legally recorded instrument, to a common driveway.
- (15) In R-1 and R-2 residential districts no two of said driveways shall be closer to each other than 12 feet and no driveway shall be closer to a side property line than three feet, and no flare shall cross an extended side property line.



**Figure 320-44G.1  
Common Driveway**

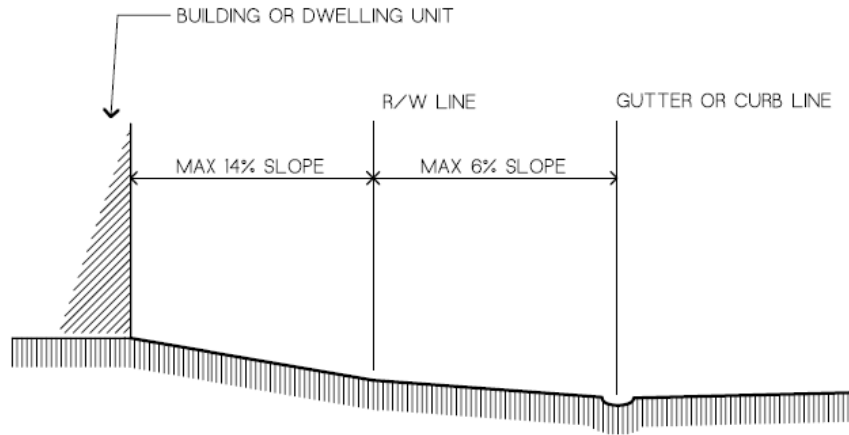


**MIMIMUM SPECIFICATIONS AND NOTES:**

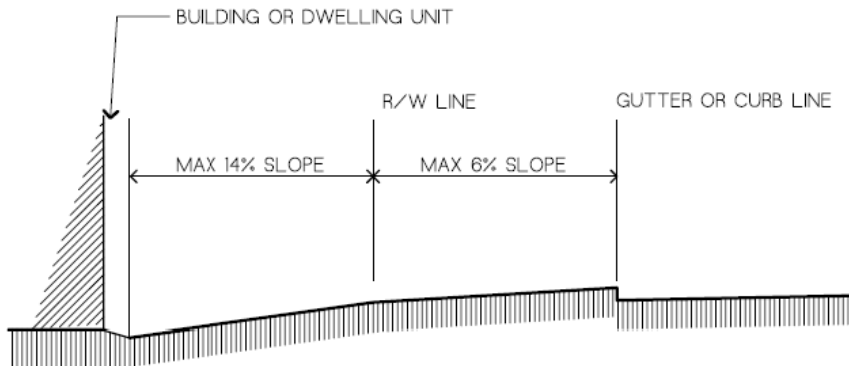
1. 4" compacted AASHTO No. 3 course aggregate.
2. 1 1/2" plant mix asphalt paving (PA ID-2A; complying with PennDOT Publication 408)
3. For Section A-A, refer to Figure 320-44G.3
4. For curb refer to Details B and C, Figure 320-31R

**Figure 320-44G.2  
 Driveway Requirements**





UPGRADE



DOWNGRADE

**Figure 320-44G.3**  
**Section A-A**

H. Plan. Every permit application to construct or improve a driveway shall include two copies of a plan which clearly illustrates the applicable requirements as set forth in Pa. Code, Title 67, Chapter 441, Section 441.8 and Section 441.9, as amended, including but not limited to the following:

- (1) Existing highway pavement, ditches, right-of-way and relevant property lines, highway appurtenances, and utilities.
- (2) Existing and proposed building, including a description of present and proposed use.
- (3) Details of internal traffic circulation and parking.

- (4) Design features of existing and proposed driveways such as:
    - (a) Driveway width.
    - (b) Driveway radii.
    - (c) Driveway grades or profile view of drive.
    - (d) Driveway angle relative to the highway.
    - (e) Driveway surface material.
  - (5) Distance from each existing and proposed driveway to the following:
    - (a) Nearest intersecting street, road, and highway.
    - (b) Nearest driveway on adjacent properties.
    - (c) Street, road, highway, or driveway opposite the site.
    - (d) Relevant property lines and property lines extended to the roadway.
    - (e) Building and appurtenances on the site.
  - (6) Required and available sight distance in each direction from each driveway.
  - (7) The number of vehicles per day which are expected to utilize each driveway.
  - (8) No parallel and immediate adjacent common driveways are permitted. All common driveways shall be separated by an area to conform to the appropriate zoning district setback regulations.
  - (9) An easement of access and maintenance agreement shall be defined to the satisfaction of the Board of Supervisors and included on the plan and deed of record.
- I. Driveway improvement and construction requirements. All driveway improvements, including entrances, drainage facilities associated with the driveway, and paving within the right-of-way of a private driveway or street to be dedicated to the Township shall be constructed with other improvements by the developer and secured as provided in Article X of this chapter.

**§ 320-45. Utilities.**

- A. General. Design and installation of all utilities shall be in strict accordance with the engineering standards and specifications of the Township and public utility concerned. All proposed utilities shall be placed underground at the time of initial construction, unless specifications of the public utility concerned differ, and the Board of Supervisors is advised of the issue and provides their concurrence.
- (1) Telephone, electric, gas, TV cable and such other utilities shall be installed underground and shall be provided with easements to be dedicated for such utilities

and in accordance with plans approved by the Rye Township Board of Supervisors and the applicable utility.

- (2) Lots which abut existing easements or public rights-of-way where aboveground utility lines have been previously installed may be supplied with electric and telephone service from those overhead lines, but service connections from the utilities overhead lines shall be installed underground.
  - (3) Where road widening and other conditions resulting from subdivision and land development necessitate replacement or relocation of overhead utility lines, new facilities shall be installed underground. Costs of any relocation of public utilities shall be the responsibility of the developer.
  - (4) Underground installation of the utility distribution and service line shall meet the prevailing standards and practices of the company providing the service and shall be complete prior to street paving and gutter, curbing and sidewalk installation.
  - (5) Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen their visual impact.
  - (6) Underground utility notifications. In accordance with the provisions of PA Act 38, as amended, the applicant shall contact all applicable utilities and accurately determine and show the location and depths of all underground utilities within the boundaries of the tract proposed for development and in the vicinity of any proposed off-site improvement prior to excavation.
- B. Fire hydrants. Wherever a public water system is provided, fire hydrants suitable for the coupling of equipment serving the Township shall be installed as specified by the Insurance Services Offices of Pennsylvania. Location of hydrants shall be approved by the Township in addition to the following:
- (1) Generally all fire hydrants will be located on an eight-inch line or a looped six-inch line. Where a dead end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall be an eight-inch minimum diameter.
  - (2) Fire hydrants shall be spaced in a development so that all proposed buildings will be no more than 600 feet from the hydrant measured along traveled ways.
  - (3) Hydrants shall be located in a manner to provide complete accessibility and so that the possibility of damage from vehicles or injury to pedestrians will be minimized.

**§ 320-46. Community facilities.**

- A. In reviewing the subdivision or land development plans, the Board of Supervisors will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision or land development.
- B. In subdivisions or land developments which are intended to provide housing for more than six dwelling units, or any subdivision or land development that includes a new

public street offered for dedication to the Township, the Township Planning Commission shall consider the needs and input from the Rye Township Recreation and Parks Board for suitable open areas for recreation and shall make recommendations thereon. The Board of Supervisors shall require, as a minimum, that the following amount of playground and neighborhood park acreage be provided:

<b>Families To Be Served</b>	<b>Minimum Playground and Neighborhood Park Acreage</b>
6 to 24	2.0 acres
25 to 49	4.0 acres
50 and above	Minimum 10% of land area (or 20% of land area where public water and sewer are provided)

- (1) For the purposes of this section, a site or sites within floodplain areas, wetlands, and/or restrictive slopes greater than 25% shall not be used to meet the required minimum playground and neighborhood park acreage specified above.
- (2) Such area or areas may be dedicated to the Township by the developer or owner if the Board of Supervisors approves such dedication.
- (3) Fee in lieu of dedication.
  - (a) Where the Board of Supervisors agrees with the developer that, because of the size, shape, location, access, topography or other physical features of the land, it is impractical to dedicate land to the Township or set aside a recreation area, as required by this section, the Supervisors shall require a payment of a fee in lieu of dedication of such land. The fee 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.
  - (b) The amount of the fee shall be determined per dwelling unit by the Board of Supervisors by resolution.
  - (c) All monies paid to the Township pursuant to this section shall be kept in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on the account shall become funds of that account. Funds from the account shall be expended only for the purpose of providing park or recreation facilities accessible to the development.
  - (d) If the Township has failed to utilize the fee paid in lieu of dedication as set forth in this chapter within three years from the date such fee was paid, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, upon request of any person who paid the fee in lieu under this chapter.

- C. Developers shall give earnest consideration to the desirability of providing or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools, other public buildings, parks, playgrounds, playfields, and trails.
- D. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping, and off-street parking as appropriate to the use proposed. Such areas should be located in a manner to best serve the public likely to use the same, and to utilize, to the greatest extent, any topographical feature.
- E. The developer shall satisfy the Township that there are adequate provisions to assure retention and all future maintenance of such recreation areas by maintaining ownership, or by providing for and establishing an organization for the ownership and maintenance of the recreation area, and such organization shall not be dissolved nor shall it dispose of the recreation area by sale or otherwise, except to an organization conceived and established to own and maintain the recreation area without first offering to dedicate the same to the Township.
- F. Recreation area location criteria. The Planning Commission and the Board of Supervisors, in exercising their duties regarding approval, shall consider the input from the Rye Township Recreation and Parks Board and the following criteria in determining whether to approve the proposed location of recreation areas in the developer's subdivision or land development plans:
  - (1) Site or sites shall be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have access to a public road; however, no public road shall traverse the site or sites.
  - (2) Site or sites shall have suitable topography and soil conditions for use and development as a recreation area.
  - (3) Size and shape for the site or sites shall be suitable for development as a particular type of park. Sites will be categorized by the Township using the most recent standards established by the National Recreation and Parks Association.
  - (4) When designing and developing these recreation areas, it shall be done according to the standards established by the National Recreation and Parks Association, copies of which may be obtained at the Township Municipal Building.
  - (5) Site or sites shall, to the greatest extent practical, be easily accessible to essential utilities, such as water, sewer, and electric.
  - (6) Site or sites shall meet minimum size requirements for usable acreage with respect to National Recreation and Parks Association standards with 75% of such area having a maximum slope of 7%.
  - (7) Recreation sites shall be located in such a manner which allows maximum practical solar access to neighboring structures.
  - (8) Where open space is being provided, it shall be located, wherever possible, to provide a buffer from the shading effects of taller structures or obstructions on existing or proposed shorter buildings.

**§ 320-47. Environmental impact evaluation criteria.**

The intent of this section is to provide the identification of environmental and community impacts and means of mitigation of impacts of development projects in the Township. The Board of Supervisors may, upon recommendation from the Planning Commission and based upon the nature of a project and potential impacts on the Township, require the developer to prepare and submit to the Township an environmental impact evaluation (see Article XV, § 360-141, of Chapter 360, Zoning). The requirements of this section may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Township, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Board of Supervisors, upon recommendation of the Planning Commission, may waive certain components of the environmental impact study should such components be deemed unnecessary for certain uses.

- A. Purpose of environmental impact evaluation. The purpose of the environmental impact evaluation is to disclose the environmental consequences of a proposed action for consideration by the Township for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal and to preserve trees and vegetation, to protect watercourses, air resources and aquifers.
- B. Contents of environmental impact evaluation. An environmental impact evaluation shall include a description of the proposed use, including location relationship to other projects or proposals, with adequate data and detail for the Township to assess the environmental impact. The environmental impact evaluation shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships. At a minimum, the environmental impact evaluation shall include an analysis of the items listed below regarding the impact of the proposed use and the mitigation of any such impacts; and said proposal shall comply with all other standards included in this chapter and other Township ordinances:
  - (1) Soil types:
    - (a) USDA soil types (show on map).
    - (b) Permeability of soil on the site.
    - (c) Rate of percolation of water through the soil for each five acres.
  - (2) Surface waters:
    - (a) Distance of site from nearest surface water and headwaters of streams.
    - (b) Sources of runoff water.
    - (c) Rate of runoff from the site.

- (d) Destination of runoff water and method of controlling down stream effects.
  - (e) Chemical additives to runoff water on the site.
  - (f) Submission of an erosion and sediment control plan meeting the requirements of the PADEP and the Perry County Conservation District.
  - (g) Said information shall be set forth in a stormwater management plan meeting the requirements of this chapter.
- (3) Ground cover, including vegetation and animal life:
- (a) Extent of existing impervious ground cover on the site.
  - (b) Extent of proposed impervious ground cover on the site.
  - (c) Type and extent of existing vegetative cover on the site.
  - (d) Extent of proposed vegetative cover on the site.
  - (e) Type of animal life and effect on habitat.
- (4) Topographic and geologic:
- (a) Maximum existing elevation of site.
  - (b) Minimum existing elevation of site.
  - (c) Maximum proposed elevation of site.
  - (d) Minimum proposed elevation of site.
  - (e) Description of the topography of the site and any special topographic features, and any proposed changes in topography.
  - (f) Surface and subsurface geology.
- (5) Groundwater:
- (a) Average depth to seasonal high-water table.
  - (b) Minimum depth to water table on site.
  - (c) Maximum depth to water table on site.
  - (d) Quality.
- (6) Water supply:
- (a) The source and adequacy of water to be provided to the site.
  - (b) The expected water requirements (gpd) for the site.
  - (c) The uses to which water will be put.
- (7) Sewage disposal:

- (a) Sewage disposal system (description and location on the site, of system).
  - (b) Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
  - (c) Expected daily volumes of sewage.
  - (d) Affected sewage treatment plant's present capacity and authorized capacity.
- (8) Solid waste:
- (a) Estimated quantity of solid waste to be developed on the site during and after construction.
  - (b) Method of disposal of solid waste during and after construction.
  - (c) Plans for recycling of solid waste during and after construction.
- (9) Air quality:
- (a) Expected changes in air quality due to activities at the site during and after construction.
  - (b) Plans for control of emissions affecting air quality.
- (10) Noise:
- (a) Noise levels, above existing levels, expected to be generated at the site (source and magnitude) during and after construction.
  - (b) Proposed method for control of additional noise on site during and after construction.
- (11) Land and water surface use and community character:
- (a) Past and present use of the site with particular attention to storage or disposal of toxic or hazardous waste.
  - (b) Adjoining land uses and character of the area.
  - (c) Type and concentration of existing water craft uses.
- (12) Critical impact areas: any area, condition, or feature which is environmentally sensitive or which, if disturbed during construction, would adversely affect the environment. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.
- (13) Historic resources: identification of structures or sites of historic significance and probable effect of project.
- (14) Transportation network: existing network traffic volumes and capacities and need for improvements required by the project. In the case of PennDOT roads a copy of



the traffic study required by PennDOT shall be submitted and in the case of Township roads, the study shall be conducted in accord with PennDOT requirements.

- (15) Law enforcement: existing law enforcement capabilities of the Township and state; and assess the impact of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.
  - (16) Community facilities and services: existing community facilities and services and how the proposed use will affect those facilities and services, including projected needs for additional facilities and services.
  - (17) Additional requirements. In addition to the above requirements the Planning Commission and/or Township Board of Supervisors or the Zoning Hearing Board may require such other information as may be reasonably necessary for the Township to evaluate the proposed use for its effect on the community.
- C. Additional considerations. The following shall also be addressed:
- (1) A description of alternatives to the proposed use.
  - (2) A statement of any adverse impacts which cannot be avoided.
  - (3) Environmental protection measures, procedures and schedules to minimize damage to critical impact areas during and after construction.
  - (4) A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
  - (5) A listing of steps proposed to minimize environmental damage to the site and region during and after construction.
- D. Qualifications. The environmental impact evaluation shall be prepared by a professional architect, landscape architect, planner, engineer or other qualified individual whose qualifications have been previously approved by the Board of Supervisors.
- E. Procedures for evaluating the environmental impact evaluation.
- (1) Upon receipt of the application, the Township shall forward the environmental impact evaluation to the Township Engineer and any other agency or firm which the Township may desire for consultation. The above-mentioned agencies shall review the applicant's environmental impact evaluation and shall report its comments to the Planning Commission and Board of Supervisors.
  - (2) The Board of Supervisors, upon recommendation of the Planning Commission, may require the opinion of experts in their review of the environmental impact evaluation.
  - (3) Fees for the costs of such consultation as described above shall be paid by the applicant.

- (4) Copies of the environmental impact evaluation shall be on file and available for inspection in the Township office.
- (5) The Planning Commission shall evaluate the proposed project and the environmental impact evaluation and recommend action on same to the Board of Supervisors.

**§ 320-48. Traffic impact evaluation criteria.**

Where traffic impact studies are required as part of the preliminary and final plan submissions, these studies shall include the following:

- A. Area of traffic impact study. The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the site or have direct impact upon the access of the site. The intersections shall be mutually agreed upon by the Township Engineer and the traffic engineer preparing the study. The Board of Supervisors shall resolve any disputes between the Township Engineer and the traffic engineer.
- B. Preparation by transportation engineer required. Traffic impact studies shall be prepared under the supervision of a qualified and experienced transportation engineer with specific training in traffic and transportation engineering, and at least two years of experience related to preparing traffic studies for existing or proposed developments.
- C. Horizon year. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the horizon year in the remainder of this article.
- D. Nonsite traffic estimates. Estimates of nonsite traffic shall be made, and will consist of through traffic and traffic generated by all other developments within the study area for which preliminary or final plans have been approved. Nonsite traffic may be estimated using any one of the following three methods: buildup technique, area transportation plan data or modeled volumes, and trends or growth rates.
- E. Trip generation rates required. The traffic impact study report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from local study of corresponding land uses and quantities. All sources must be referenced in the study.
- F. Consideration of pass-by trips. If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced.
- G. Rate sums. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the report.
- H. Explanations required. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the report.

- I. Definitions of influence area. Prior to trip distribution of site-generated trips, an influence area must be defined which contains 80% or more of the trip ends that will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area should be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to a site, or delineating area boundaries based on locations of competing developments. Other methods, such as using trip data from an existing development with similar characteristics or using an existing origin-destination survey of trips within the area can be used in place of the influence area to delineate the boundaries of the impact.
- J. Estimates of trip distribution required.
- (1) Trip distribution can be estimated using any one of the following three methods:
    - (a) Analogy.
    - (b) Trip distribution model.
    - (c) Surrogate data.
  - (2) Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multiuse development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.
- K. Trip assignments. Assignments must be made considering logical routings, available roadway capabilities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates, rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing 500 or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths should be used to obtain realistic driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models. If a thorough analysis is required to account for pass-by trips, the following procedures should be used:
- (1) Determine the percentage of pass-by trips in the total trips generated.
  - (2) Estimate a trip distribution for the pass-by trips.
  - (3) Perform two separate trip assignments, based on new and pass-by trip distributions.
  - (4) Combine the pass-by and new trip assignment.
- L. Total traffic impacts. Traffic estimates for any site with current traffic activity must reflect not only the new traffic associated with the site's redevelopment, but also the trips

subtracted from the traffic stream because of the removal of a land use. The traffic impact study report should clearly depict the total estimate and its components.

M. Capacity analysis.

- (1) Capacity analysis must be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for roadway segments, deemed sensitive to site traffic within the study area. These may include such segments as weaving sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.
- (2) The recommended level of service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed. The Township considers the overall level of service ratings A, B, C and D to be acceptable for signalized intersections (levels C or better are considered desirable); level of service E or F is considered to be unacceptable.
- (3) The operational analyses on the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

N. Required levels of service. The traffic impact study shall identify the improvements necessary to meet the goals of the study. The applicant shall be responsible for the improvements required to meet the goals of the traffic impact study which are to:

- (1) Provide safe and efficient movement of traffic within the site and on surrounding roads;
- (2) Minimize the impact of the project upon nonsite trips;
- (3) Not allow the levels of service at intersections currently rated A or B to be worse than C; and
- (4) Not reduce the current levels of service at intersections with ratings of C or lower.

O. Documentation required. A traffic impact study shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.

- (1) The documentation for the traffic impact study shall include, at a minimum:
  - (a) Statement of purpose and objectives.
  - (b) Description of the site and study area.
  - (c) Existing conditions in the area of the development.
  - (d) Recorded or approved nearby development.
  - (e) Trip generation, trip distribution and modal split.
  - (f) Projected future traffic volumes.

- (g) An assessment of the change in roadway operating conditions resulting from the development traffic.
  - (h) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of service.
- (2) The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
  - (3) The recommendations shall specify the time period within which the improvements should be made (particularly if the improvements are associated with various phases of the development construction) and any monitoring of operating conditions and improvements that may be required.
  - (4) Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
  - (5) To facilitate examination by the Township Planning Commission and Board of Supervisors, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions and recommendations.
  - (6) The report documentation outlined above provides a framework for site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections. The Board of Supervisors may grant a waiver, in whole or in part, of the requirements for a traffic impact study report or any of the requirements and standards. In considering any waiver or modification, the Board of Supervisors may consider, at their discretion, such factors as the location of the subject property, its proximity to intersections and major roadways, the size and density of the proposed subdivision and land development, the number and location of proposed accesses to the subject property and the nature of the use proposed.

**§ 320-49. Planting requirements.**

- A. Upon completion of excavation, backfilling and rough grading, all areas shall be topsoiled, finish graded, limed, fertilized, seeded, and mulched, or otherwise planted and protected from erosion within 30 days, and shall be watered, tended, maintained and reseeded, as required, until growth is well established. The disturbed areas and duration of exposure shall be kept to a practical minimum.
  - (1) Topsoil. A minimum of six inches of topsoil shall be uniformly spread on all excavated areas affected by construction. The topsoil shall consist of friable loam that is reasonably free of subsoil, clay lumps, brush, roots, weeds, other objectionable vegetation, stones, coarse fragments, or other foreign material larger than two inches in any dimension, litter, and/or other material unsuitable or harmful to plant growth.

- (2) Lime, fertilizer. Incorporation of lime and fertilizer into final graded topsoil shall be performed in accordance with the following:
    - (a) Lime: 100 to 150 pounds per 1,000 square feet.
    - (b) Fertilizer: dry 10-20-20 (NPK) at 20 pounds per 1,000 square feet.
  - (3) Seed. Cut and fill slopes in excess of six feet in height and cut and fill slopes within wooded areas shall be seeded in accordance with Pennsylvania Department of Transportation Formula C, at the rate of one pound per 1,000 square feet pursuant to the Pennsylvania Department of Transportation, Publication 408 specification. All other areas shall be seeded with Pennsylvania Department of Transportation Formula D, at the rate of 2.5 pounds per 1,000 square feet.
  - (4) Mulch. Approved hay or straw mulches shall be applied at the following rate: three bales per 1,000 square feet.
  - (5) Hydroseeding shall be in accordance with the Pennsylvania Department of Transportation, Publication 408 specification.
- B. Open space, storm drainage, and retention areas:
- (1) Planting requirements. All areas proposed for recreational use, whether active or passive, shall be planted to effectively naturalize the areas to become an integral and harmonious element in the natural landscape.
  - (2) Drainage channels and retention areas. All storm drainage channels and retention areas, whether existing or proposed, shall be graded, stabilized, and planted with native vegetation to effectively naturalize areas so as to become an integral and harmonious part of the landscape by contour and type of plant material employed.
  - (3) Detention basins. All detention basins shall be seeded with suitable native vegetation. Detention basins may be turfed if, in the opinion of the Board of Supervisors, a native vegetative covering would reduce the use of the detention basin for recreational purposes or would be unsightly.
  - (4) Use of on-site stones or boulders and local resistant sandstone bedrock formations is encouraged in the construction of all stormwater management facilities.

**§ 320-50. Preservation of trees.**

- A. Proposed site improvements shall be located, designed, and constructed to minimize the loss or degradation of woodland areas. New subdivisions and land developments shall be designed to preserve woodlands along roadways, property lines and lines occurring within a site, such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided or developed within a property. Preservation shall include ground, shrub, understory and canopy vegetation.

- B. For that area of land which must be cleared of trees and other vegetation to allow construction of building and other improvements, the limits of clearing shall include only:
- (1) Dedicated streets and public service or utility easement.
  - (2) Building roof coverage area plus 15 feet on all sides for construction activity.
  - (3) Driveways, alleyways, walkways, and ancillary structures such as patios.
  - (4) Parking lots, except that the area subtracted for parking space shall not include any trees which are unique by reason of size, age, or some other outstanding quality, such as rarity or status as a landmark or species specimen.
  - (5) Other land area reasonably necessary for the construction of the proposed buildings and other improvements.
- C. When effectuation of a proposed subdivision or development necessitates the clearing of trees or portion of tree masses, developers shall be guided by the following criteria in selecting trees and ornamentals for retention or clearing.
- (1) Aesthetic values (autumn coloration, type of flowers and fruit, bark and crown characteristics, amount of dieback present).
  - (2) Susceptibility of tree to insect and disease attack and to air pollution.
  - (3) Species longevity.
  - (4) Wind firmness and characteristic of soil to hold trees.
  - (5) Wildlife values (e.g., oak, hickory, pine, walnut, and dogwood have high food value).
  - (6) Comfort to surroundings (e.g., hardwoods reduce summer temperatures to surroundings more effectively than pines or cedars).
  - (7) Existence of disease, rot or other damage to the tree.
  - (8) Protection of buildings (e.g., dead and large limbs hanging over buildings should be removed).
  - (9) The size of the tree at maturity.
- D. Developers, contractors and heavy equipment operators shall exercise care during construction to protect trees from damage which are to remain. The following procedures shall be followed in order to protect remaining trees:
- (1) Where existing ground levels are raised, a well shall be built around the base of the tree. Such well may be left open or can be filled with coarse stones or gravel.
  - (2) Trees within 25 feet of a building site or bordering entrances or exits to building sites should be protected by wiring wooden slats around such trees.

- (3) No boards or other material shall be nailed to trees during construction.
  - (4) Heavy equipment operators shall be warned to avoid damaging existing tree trunks and roots.
  - (5) Tree trunks and exposed roots damaged during construction shall be protected from further damage by being treated immediately with tree paint.
- E. Preservation or replacement of trees. As identified on the plan, in forested and wooded areas, and isolated tree masses where more than 50% of the tree mass is greater than six-inch diameter at breast height (DBH) and single trees with greater than six-inch DBH:
- (1) At least 50% of the number of trees that existed at the time of the plan submission shall be maintained or replaced immediately following construction.
  - (2) Replacement trees shall be a minimum trunk caliper of two inches at a height of six inches above the finished grade and located within unbuildable sections of the site (i.e., steeper sloped areas, setbacks, etc.).

#### **§ 320-51. Underdrains.**

All building foundations, grade slabs, and cellar floors shall be provided with an underdrain system. This system shall provide for drainage of the enclosed volume above the slab, and relief of subsurface water to a depth not less than 18 inches below the slab or foundation bottom. The system shall consist of a perforated pipe field, of the herringbone or gridiron configuration, in coarse gravel-filled trenches that are in direct contact with the slab or foundation subbase. The excavation shall provide a minimum of 0.05 foot per foot slope to the gravel-filled trenches. A note indicating these requirements shall be placed upon the final plan where such conditions exist.

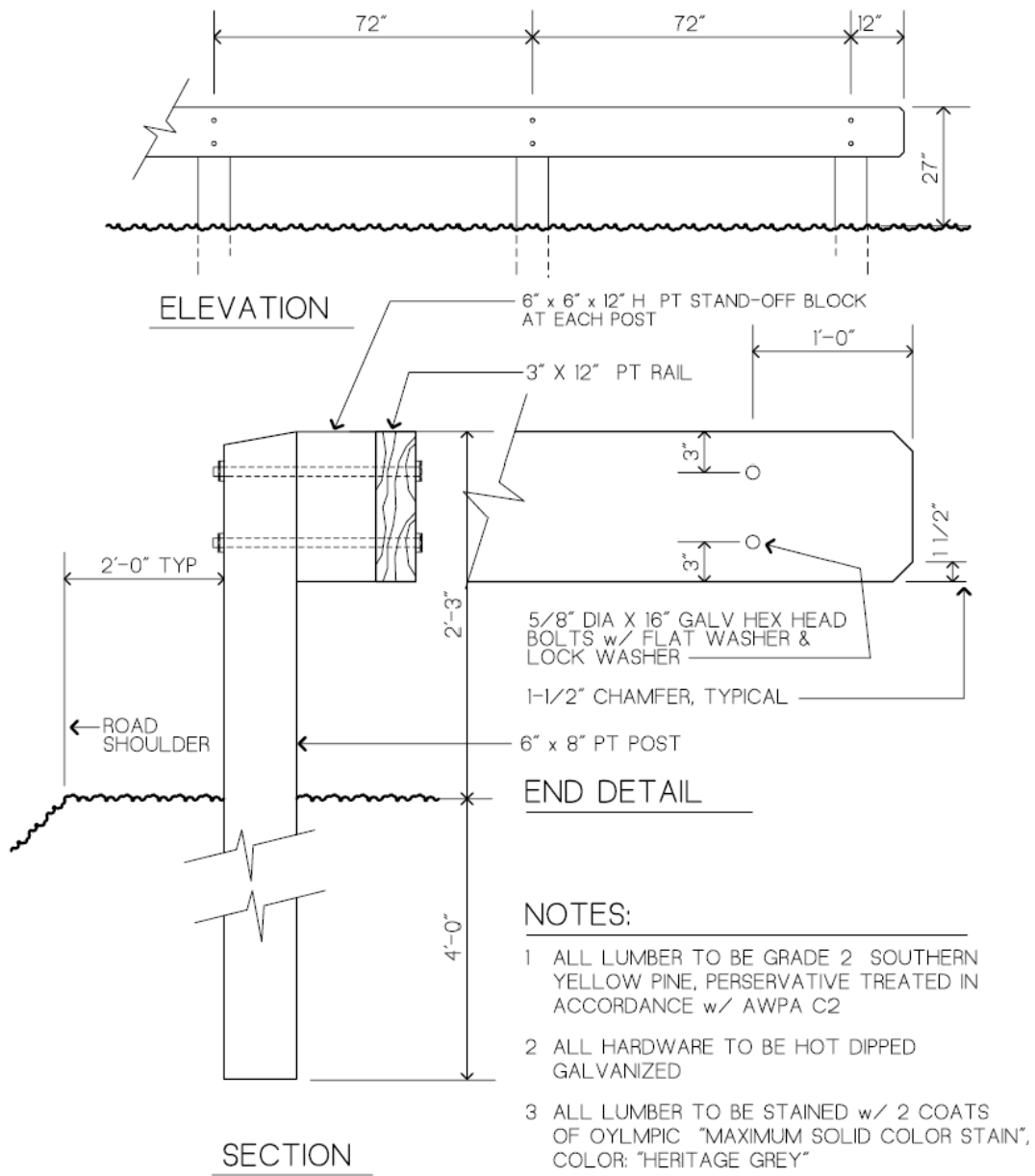
#### **§ 320-52. Guide rails.**

- A. Roads and streets shall be designed through judicious arrangement and balance of geometric features to preclude or minimize the need for guide rails. To provide for maximum roadside safety, a thorough study during the early stages of design is necessary to recognize and eliminate, where practical, those items and conditions which require guide rails. Guide rails shall only be used where the result of striking the object or leaving the roadway would be more severe than the consequence of striking the guide rail. Where a guide rail is required, the roadway shall be examined to determine the feasibility of adjusting site features so that the guide rail can be eliminated (e.g., flattening an embankment slope, removing a fixed object or eliminating a drainage headwall).
- B. Height and slope of the embankment are the basic factors to determine barrier requirements. The criteria for guide rail protection on embankments are presented in PennDOT Publication 13M, Design Manual, Part 2, Highway Design, Chapter 12. Rounding at the shoulder and at the toe of an embankment can reduce the severity of run-off-the-road crashes and shall be considered in the design process. Where the guide



rail cannot be eliminated, it shall be a minimum of 50 feet plus proper end treatments. Short gaps between guide rail installations shall be avoided.

- C. End treatments on both the approach and trailing ends of the guide rail on two-lane roadways with two-way traffic shall be provided.
- D. Guide rails shall be provided in accordance with PennDOT Publication 13M, Design Manual, Part 2, Highway Design, Chapter 12; Publication 72M, Roadway Construction Standards; and the AASHTO "Roadside Design Guide." See Figure 320-52 for required guide rail.



**Figure 320-52**  
**Wood Guide rail**

NO SCALE

**§ 320-53. Common facilities.**

- A. Ownership standards. Facilities to be held in common, such as central community water supply, stormwater management facilities, or community sewage service systems, shall be held using one of the following methods of ownership, subject to the approval of the Board of Supervisors:
- (1) Homeowners' association. The facilities may be held in common ownership by a homeowners' association which is formed and operated in accordance with the provisions of § 320-53B of this chapter.
  - (2) Condominium. The facilities may be held as common element under a condominium agreement. Such agreement shall be in conformance with the Pennsylvania Uniform Condominium Act as amended.
- B. Homeowners' association. Homeowners' associations will be governed in accordance with any applicable laws of the Commonwealth of Pennsylvania. Where required, the organizational framework of the homeowners' association shall be described in a report forwarded to the Board of Supervisors and the Township Solicitor. At a minimum, the following information and standards shall be met prior to final approval of the subdivision or land development:
- (1) Bylaws describing the formation and duties of the association, including the responsibilities for maintenance of common open space areas, shall be defined and presented to the Board of Supervisors for review and approval as part of the final plan submission.
  - (2) Association membership shall be mandatory by all residents served by the common facilities. Membership and voting rights shall be defined.
  - (3) The rights and duties of Rye Township and members of the association, in the event of a breach of covenants and restrictions, shall be defined.
  - (4) The bylaws shall include a statement which grants to the association the legal authority to place liens on the properties of members who are delinquent in the payment of their dues. The bylaws shall also grant Rye Township such power, but not the duty, to maintain the common facilities, and to assess the cost of the same as provided in the PA Municipalities Planning Code, Act 247.
- C. Maintenance standards. The common facility (ex., sanitary and storm sewage system, detention pond, community water systems, swimming pools, ponds, common ground, playgrounds, etc.) shall be operated and maintained by a professional organization specializing in the required services and approved by the Board of Supervisors. The agreement between the association or condominium and the professional organization shall be subject to review by the Township Solicitor and approved by the Board of Supervisors.

ARTICLE VIII  
**Mobile Home Park Regulations**

**§ 320-54. Procedure.**

No person, firm or corporation shall construct, maintain or operate a mobile home park within Rye Township without obtaining approval from Rye Township. The procedures for reviewing mobile home park plans shall be the same as for subdivision and land development plans in accordance with the provisions of this chapter. Unless specified in this article, the design standards and improvement requirements for mobile home parks shall be the same as for subdivision and land development projects in accordance with the provisions of this chapter.

**§ 320-55. Plan requirements.**

Prior to the issuance of a mobile home park permit, plans shall be submitted to and approved by the Township in accordance with the requirements and procedures of this chapter regarding preapplication consultation, preliminary plans and final record plans and all other applicable Township ordinances. In addition to the site plan information required elsewhere in this chapter, the following information shall be provided on the plans:

- A. The location and use of proposed building or structural improvements.
- B. The location and design of all uses not requiring structures such as recreation areas and landscaping.

**§ 320-56. Mobile home park permit.**

- A. License and permit. It shall be unlawful for any person to construct, alter, extend, or operate any park unless a valid annual license has been issued by the Township for proposed construction, alteration, extension, or operation; and unless a permit has been issued by the Township hereunder; and unless the permittee complies with provisions of this chapter and regulations.
- B. Application to Township. Owner shall also make application to the Zoning Officer on the form furnished by said official for permit to operate a park in the Township. A park manager must be identified on the form, and that individual must reside within the Township.
- C. Inspection and issuance of permit. Upon receipt of such application, the Zoning Officer shall inspect applicant's proposed park to determine compliance with the provisions of this chapter and shall report thereon to the Board of Supervisors. Upon approval, the Board of Supervisors shall issue a park permit to applicant which shall be valid for a period of one year thereafter. Upon determination that application does not comply with this chapter, the Board of Supervisors shall give notice with conditions required to be met prior to reconsideration of the application.
- D. Renewal permits. Renewal of the annual permits shall be issued by the Zoning Officer upon application and compliance with this chapter and state requirements.

E. Applicability to existing parks.

- (1) Parks in existence upon effective date of this chapter will be required to meet standards of the Department of Environmental Protection and maintenance and operating standards of this chapter as a prerequisite to issuance of a permit or a renewal permit.
- (2) Park operation and maintenance and expansion of existing parks shall comply with this chapter, Chapter 360, Zoning, and all other applicable Township ordinances.
- (3) Parks in existence, in operation, or approved under prior ordinance, at time of enactment of this chapter, whether or not issued a permit, shall within 120 days after the effective date of this chapter make application for permit hereunder and shall comply with provisions of this chapter applicable to parks in existence prior to enactment.

F. Revocation of permit. Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provision of this chapter, or any regulations adopted pursuant thereto, the Board of Supervisors, or their representative shall give notice, in writing, to the person to whom the permit was issued, such notice to consist of a listing of the violated sections of this chapter and shall advise them that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate will be suspended. At end of such period, such mobile home park shall be reinspected and if such conditions or practices have not been corrected, the Board of Supervisors shall give notice, in writing, of a hearing for the suspension of the mobile home park permit to the person to whom the permit is issued.

**§ 320-57. Transfer.**

Every person holding a permit shall file notice, in writing, to the Zoning Officer within 10 days after having sold, transferred, given away, or otherwise disposed of interest in or control of any park. If the license is transferred by the Department of Environmental Protection, proof of such transfer shall be furnished to the Zoning Officer forthwith.

**§ 320-58. Lot requirements.**

- A. Individual mobile home lots located in a mobile home park shall contain at least 5,000 square feet of lot area and shall not be less than 50 feet wide at the building setback line exclusive of easements or rights-of-way; subject to compliance with the steep slope criteria in this chapter.
- B. All mobile home lots shall be given street numbers and all parks streets shall be given names.

**§ 320-59. Yard and setback requirements.**

- A. All mobile home units shall be located at least 35 feet from any street right-of-way which abuts a mobile home park boundary and at least 25 feet from any other boundary of the park.
- B. There shall be a minimum of distance of 25 feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas. In no case shall any individual mobile home unit be located within any required street right-of-way.
- C. All mobile home units and patios on a mobile home lot shall not be located closer than 10 feet to an interior lot line.

**§ 320-60. Park street system.**

- A. Park street system. Each mobile home park shall be provided with at least two points of ingress and egress and a distance of at least 150 feet shall be maintained between center lines of access streets.
- B. Lot access. All mobile home parks shall be provided with safe and convenient paved access streets to and from each and every mobile home lot. Alignment and gradient shall be properly adapted to topography.
- C. Streets. All streets within any mobile home park shall have a minimum right-of-way width of 50 feet and a minimum pavement width of 30 feet, except that one-way streets shall have a minimum pavement width of 20 feet. In all other respects, the streets shall be designed and paved in accordance with Township specifications and shall be kept in good repair.

**§ 320-61. Required off-street parking.**

- A. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two vehicular parking spaces for each mobile home lot.
- B. Each off-street parking space shall contain at least two spaces 200 square feet each and shall not exceed a distance of 300 feet from the mobile home lot that it is intended to serve.

**§ 320-62. Utility improvements.**

- A. Sewer and water. All mobile home units shall be connected to sewer and water systems approved by the Department of Environmental Protection.
- B. Electrical distribution and communication service. All mobile home parks shall have underground electrical distribution systems and communication service which shall be installed and maintained in accordance with the local company's specifications regulating such systems.

C. Individual electrical connections.

- (1) Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/2-10 volts AC 200 amperes, or as otherwise specified by applicable codes.
- (2) All exposed non-current-carrying metal parts of mobile home units and all other equipment shall be grounded by means of an approved grounding connector run with branch circuit conductors or other approved methods of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile home units or other equipment.

D. Natural gas and liquefied petroleum gas (LPG) systems. Comply with the National Fluid Power Association (NFPA) 54: National Fuel Gas Code.

E. Fuel oil supply systems. All fuel oil supply systems provided for mobile home units, service buildings and other structures shall be installed and maintained in conformity with the following regulations:

- (1) All piping from outside fuel storage tanks or cylinders to mobile home units shall be securely but not permanently fastened in place.
- (2) All fuel oil supply systems provided for mobile home units, service buildings and other structures shall have shutoff valves located within five inches of storage tanks.
- (3) All fuel storage tanks or cylinders shall be securely placed and shall not be less than 10 feet from any mobile home unit exit.
- (4) Storage tanks located in areas subject to traffic shall be protected against physical damage.

**§ 320-63. Usable open space.**

- A. All mobile home parks shall provide not less than 25% of the total land area for usable open space purposes. Usable open space shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally located and easily accessible to all park residents.
- B. Exposed ground surface in all parts of every park shall be protected with a vegetation growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- C. Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

**§ 320-64. Buffer strips.**

A buffer strip of 10 feet from the property line shall be provided, and shall include a well-maintained fence, wall, hedge, or vegetative material at least eight feet in height and of a

density to conceal the park from adjacent properties. The fence, wall, hedge, or vegetative material shall be centered within the buffer strip.

**§ 320-65. Walkways.**

- A. General requirements. All mobile home parks shall be provided with safe, convenient, all-season pedestrian walks of adequate width for intended use, that are durable and convenient to maintain, between individual mobile home unit lots, the park streets and all community facilities provided for park resident. Sudden change in alignment and gradient shall be avoided.
- B. Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a width of four feet.
- C. Individual walks. All mobile home unit lots shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two feet.

**§ 320-66. Other site improvements.**

- A. One public telephone shall be provided for each mobile home park. Dry chemical fire extinguishers, not less than 10 pounds in capacity, shall also be provided and shall be located so that no mobile home unit is more than 150 feet from said fire extinguisher.
- B. Provision shall be made by the park operator to have garbage and waste collected at least once every week.
- C. Each mobile home lot may be provided with a concrete slab which shall be at least four inches thick on a stable surface no larger than 10 feet by 18 feet in size for use as a patio and so located so as to be adjoining and parallel to the mobile home unit. Such slab shall contain an electrical outlet to which the electrical system of the mobile home unit shall be connected.
- D. Individual tenants at the mobile home park may construct attached enclosures or covered patios to individual mobile home units, provided that such enclosure does not exceed the slab area noted in § 320-66C and is confined to same.

**§ 320-67. Park areas for nonresidential uses.**

- A. No part of any mobile home park shall be used for a nonresidential purpose, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- B. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home unit located on an individual lot and connected to the pertinent utilities.



**§ 320-68. Service buildings and other community service facilities.**

When constructed, the following structures and any others shall conform to the application regulations of this chapter and all other ordinances of the Township:

- A. Management offices, repair shops and storage areas.
- B. Laundry facilities.
- C. Indoor recreation areas.

ARTICLE IX  
**Floodplain Area Regulations**

**§ 320-69. Purpose.**

The specific purposes of these special provisions are:

- A. To regulate the subdivision or development of land within any designated floodplain area in order to promote the good health, welfare, and safety of the community;
- B. To require that each lot which is subdivided and/or developed upon in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damages;
- C. To protect individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts.

**§ 320-70. Abrogation and greater restrictions.**

This article supplements prior articles of this chapter. To the extent that this article imposes greater requirements or more complete disclosure in any respect, or to the extent that the provisions of this article are more restrictive, it shall be deemed and interpreted to control such other provisions of this chapter.

**§ 320-71. Design standards and improvements in designated floodplain areas.**

- A. General.
  - (1) Chapter 360, Zoning, Article XX, Floodplain Overlay Regulations, shall regulate the design and improvements within floodplains. The information required as part of the subdivision and land development process is set forth in this article.
  - (2) Floodplain areas shall be established and preserved on all development sites. In addition, floodplain areas shall be delineated on development plans as provided below:
    - (a) A one-hundred-year floodplain shall be established for all watercourses and shall be delineated by one of the following methods:

- [1] A FEMA flood insurance study.
  - [2] A floodplain study prepared by an agency of the county, state, or United States government.
  - [3] A floodplain report or study prepared and certified by a professional engineer registered in the Commonwealth of Pennsylvania duly qualified by education and experience to perform such duties.
- (b) Whenever a floodplain boundary is located within or along a lot, the plan shall include the boundary of the floodplain, along with the elevation(s) or location dimensions from the center line of the water; a plan note that the floodplain shall be kept free of structures, fill, and other encroachments; and a plan note that floor elevation for all structures adjacent to the floodplain shall be two feet above the one-hundred-year flood elevation. The above provisions shall not be construed to prohibit the following construction activities within the floodplain:
- [1] Stormwater management facilities.
  - [2] Stream improvements whose sole purpose is to improve aquatic habitat and that are approved by the Pennsylvania Fish and Boat Commission.
  - [3] Farm ponds.
  - [4] Floodproofing and flood hazard reduction structures to protect existing buildings.
  - [5] Water-oriented uses (except buildings), e.g., docks, piers, boat launching ramps, hatcheries, etc.
  - [6] Water monitoring devices.
  - [7] Culverts, bridges, and their approaches for floodplain crossings by streets, access drives, and driveways.
  - [8] Other fill activities as authorized under a permit issued by the United States Army Corp of Engineers, Pennsylvania Department of Environmental Protection, or other authorizing agency.
- (3) State regulations for encroachments within floodplains are contained at Title 25, Chapter 105, of the Pennsylvania State Code.
- (4) Any subdivision or land development proposal, which includes encroachments into federally mapped floodplain, must include evidence that the applicant has contacted and gained approval for said encroachments from the Pennsylvania Department of Environmental Protection (Waterways, Wetlands, and Erosion Control Division), and Federal Emergency Management Agency.
- B. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site

water disposal sites. Plans shall be subject to the approval of the Board of Supervisors. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff into adjacent properties.

- C. Streets and driveways. The finished elevation of proposed streets and driveways shall not be more than one foot below the regulatory flood elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this chapter, shall be submitted with the final plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- D. Sewer facilities.
  - (1) All sanitary sewer systems and facilities located in any designated floodplain area, whether public or private, shall be floodproofed up to the regulatory flood elevation.
  - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
  - (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- E. Water facilities. All water systems and facilities located in any designated floodplain area, whether public or private, shall be floodproofed up to the regulatory flood elevation.
- F. Other utilities and facilities. All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the regulatory flood elevation.

**§ 320-72. Application procedures and requirements.**

- A. Preapplication procedures.
  - (1) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed.
  - (2) Prospective developers shall consult the Perry County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.
- B. Preliminary plan requirements. The following information shall be required as part of the preliminary plan and shall be prepared and certified by a registered engineer or surveyor.

- (1) All information required for the submission of the preliminary plan incorporating any changes requested by the Board of Supervisors and/or Planning Commission.
  - (2) A map showing the location of the proposed subdivision or land development with respect to any designated floodplain area, including but not limited to the following information: the one-hundred-year flood elevations; boundaries of the floodplain area or areas; proposed lots and building sites; fills; flood or erosion protective facilities; and areas subject to special deed restrictions.
  - (3) Where the subdivision or land development lies partially or completely within any designated floodplain area, or where the subdivision or land development borders on a floodplain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two feet, and shall identify accurately the boundaries of the floodplain areas. All contours and elevations shall be established using elevation reference marks (ERMs) established within the Perry County Flood Insurance Study (FIS) or an existing bench mark with appropriate adjustments to the FIS reference datum.
  - (4) Such other information as is required by this chapter.
- C. Final plan requirement. The following information shall be required as part of the final plan and shall be prepared by a registered professional engineer or registered professional land surveyor.
- (1) All information required for the submission of the preliminary plan incorporating any changes requested by the Board of Supervisors and/or Planning Commission.
  - (2) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated floodplain area. All such maps shall show contours at intervals of two feet within the floodplain area, and shall identify accurately the boundaries of the flood-prone area.
  - (3) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection and any other commonwealth agency, federal agency, or local municipality where any alteration or relocation of a stream or watercourse is proposed. All affected adjacent municipalities shall be notified in advance of the proposed alterations or relocation; the Department of Community and Economic Development and the Federal Insurance Administrator shall also be notified in advance of any such proposed activity; and proof of such notification shall be submitted in advance of the Rye Township Planning Commission meeting at which such plan is to be considered.

**§ 320-73. Disclaimer of municipal liability.**

The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated floodplain area shall not constitute a representation,

guarantee, or warranty of any kind by the municipality, or by any official or employee thereof, of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

## ARTICLE X

### Improvement and Construction Requirements

#### **§ 320-74. Completion of improvements or guarantee thereof prerequisite to final plan approval.**

- A. No plan shall be finally approved unless the streets shown on such plan have been improved to a mud-free or otherwise permanently passable condition or improved, as may be required by this chapter, and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements, including driveway entrances and drainage facilities, 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 plan, including improvements or fees required pursuant to the Pennsylvania Municipalities Planning Code, Section 509,<sup>31</sup> a deposit of financial security shall be provided to the Township in an amount sufficient to cover the costs of such improvements and common amenities, including but not limited to roads, driveway entrances, stormwater conveyances, detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428),<sup>32</sup> known as the "State Highway Law." A copy of the financial security shall be provided to the Township.
- 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 plan contingent upon the developer obtaining satisfactory financial security. The final plan or record plan shall not be signed nor recorded until the financial security agreement is 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 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, for 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.

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31. Editor's Note: See 53 P.S. § 10509.

32. Editor's Note: See 36 P.S. § 670-420.

- 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 Township, the completion of any improvement which may be required on or before the date fixing 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 110% of the cost of completion estimated as of 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 90th 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 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 an 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 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 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as established on or about the expiration of the preceding one-year period by using the above procedure.
- I. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plans by section 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 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 plan. 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 improvement completed or, if the Board of Supervisors fails to act within said forty-five-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 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 plan, for a term not to exceed 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 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 plan 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 plan upon actual completion of the improvements depicted upon the approved final plan. 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 mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plan, 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.

**§ 320-75. Release from improvement bond.**

- 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 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 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 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 to limit 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 shall reimburse the Township for all reasonable and necessary expenses incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or professional 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 professional 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 30 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 or professional consultants' expenses.<sup>33</sup>

- (2) If, within 45 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 Township shall jointly, by mutual agreement, appoint an arbitrator to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.<sup>34</sup>
- (3) The arbitrator so appointed shall hear such evidence and review such documentation as the professional arbitrator in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision within 60 days.<sup>35</sup>
- (4) In the event that the Township and applicant cannot agree upon the arbitrator to be appointed within 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 arbitrator, 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 years.
- (5) The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The governing body and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.<sup>36</sup>

#### **§ 320-76. Remedies to effect completion of improvements.**

In the event that any improvements which may be required have not been installed as provided in this chapter or in accordance with the approved final plan, the Board of Supervisors shall have the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the 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 the monies necessary to complete the remainder of the improvements. All of the

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33. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

34. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

35. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

36. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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.

**§ 320-77. Monuments and markers.**

A. Monuments must be set:

- (1) At the intersections of all street right-of-way lines and any deflection points of the right-of-way line.
- (2) At the intersection of lines forming angles in the boundaries of the subdivision or land development or a minimum of two additional monuments set on boundary lines forming angles with one another between exterior boundary corners.
- (3) At such intermediate points as may be required by the Township Engineer.

B. Monuments and markers shall be made of the following size and material:

- (1) Monuments shall be four inches square or four inches in diameter and shall be 30 inches long. Monuments shall be made of concrete, stone or by setting a four-inch cast iron or steel pipe filled with concrete. Monuments must be marked on top with a copper or brass plate or dowel set in the concrete.
- (2) Markers shall be 3/4 of an inch square or 3/4 of an inch in diameter and 24 inches long. Markers shall be made of iron pipes or steel bars.

C. Markers must be set:

- (1) At all corners except those monumented.
- (2) By the time the property is offered for sale.

D. Monuments and markers must be placed by a professional land surveyor registered in the Commonwealth of Pennsylvania so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. The monument or marker must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground.

**§ 320-78. Street construction.**

A. General requirements. All street materials, construction procedures and testing requirements shall conform to the current editions of PennDOT Publication 408, most current edition; Publication-213; Publication 72M, Standards for Roadway Construction, Series RC-1M to 100M Publication 111M, Standards for Traffic Control Signing, Series 7700 and 7800, current edition, including all supplemental specifications, circular letters and amendments. All streets and related features shall be constructed to the line, grade and dimension shown on the plans, profiles and cross sections and typical sections as approved on the final subdivision and/or land development plan.

- B. Slope of embankments adjacent to streets. Slope of embankments along streets measured perpendicular to the street center line shall be no steeper than the following:
- (1) One foot of vertical measurement for three feet of horizontal measurement of fills.
  - (2) One foot of vertical measurement for two feet of horizontal measurement for cuts.
- C. Street cartway/pavement construction standards. Local streets shall be designed in accordance with this article and shall be surfaced to the grades and dimensions drawn on the plans, profiles, and cross sections submitted by the applicant and approved by Rye Township Board of Supervisors. Before paving the street surface, the applicant shall install the required utilities and provide adequate underdrains and stormwater drainage for the streets, as deemed acceptable to the Rye Township Board of Supervisors and the Township Engineer. The pavement base and wearing surface must be constructed according to the following specifications.
- (1) General.
    - (a) Streets must be constructed to the grades and dimensions depicted on the plans, profiles, and cross sections submitted by the applicant and approved by the Township Engineer and the Rye Township Board of Supervisors.
    - (b) Before any street construction can begin, the applicant must install the required utilities and provide, where necessary, adequate stormwater drainage from the street.
    - (c) Pipe underdrain and pavement base drain shall be installed according of the specifications set forth in Section 610 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408, at such locations and in such quantities as determined necessary by the Township Engineer. Field conditions may cause underdrain and pavement base drain to be installed at locations not depicted on approved drawings.
  - (2) Inspections. All street construction shall be subject to inspection at anytime by the Township or its agent.
  - (3) Specifications. The subgrade, subbase, base course, binder course, and wearing course of new, reconstructed, or resurfaced streets shall be designed using the DARW in Pavement Design and Analysis System or an acceptable alternate procedure that meets the requirements of the 1993 American Association of State Highway and Transportation Officials (AASHTO) Pavement Design procedures or the minimum depths indicated for each classification of street, whichever is greater, and constructed according to the following specifications:
    - (a) Arterial streets. The subdivider/developer shall consult with the Rye Township Planning Commission in following the construction standards of the Pennsylvania Department of Transportation. In the case of a Township-owned arterial street, the street specification shall be governed by whichever entity owns or will own the street in conjunction with the Pennsylvania Department of Transportation.

## (b) Collector streets.

- [1] Subgrade. Prior to the installation of the subbase, the subgrade shall be prepared according to the specifications set forth in Section 210 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- [2] Subbase. The subbase shall consist of eight inches of compacted 2A aggregate constructed in accordance with the specifications set forth in Section 350 and Section 703 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- [3] Base course. The base course shall consist of five inches of compacted hot mix asphalt superpave base course, PG64-22, 25mm mix, 3.0 to 10.0 million ESALs, conforming to Section 309 of the current edition of the Pennsylvania Department of Transportation specifications, Publication 408.
- [4] Wearing course. The wearing course shall consist of 1 1/2 inches of compacted hot mix asphalt superpave wearing course, PG64-22, 9.5 mm mix, 3.0 to 10.0 million ESALs, SRL-G, conforming to Section 409 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.

## (c) Minor streets.

- [1] Subgrade. Prior to the installation of the subbase, the subgrade shall be prepared according to the specifications set forth in Section 210 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- [2] Subbase. The subbase shall consist of eight inches of compacted 2A aggregate constructed in accordance with the specifications set forth in Section 350 and Section 703 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.
- [3] Base course. The base course shall consist of three inches of compacted hot mix asphalt superpave base course, PG64-22, 25mm mix, 0.3 to 3.0 million ESALs, conforming to Section 309 of the current edition of the Pennsylvania Department of Transportation specifications, Publication 408.
- [4] Wearing course. The wearing course shall consist of 1 1/2 inches of compacted hot mix asphalt superpave wearing course, PG64-22, 9.5 mm mix, 0.3 to 3.0 million ESALs, SRL-M, conforming to Section 409 of the current edition of the Pennsylvania Department of Transportation Specifications, Publication 408.

- [a] Street crown and curbs.
  - [i] A street must be designed to provide for the discharge of surface water from its cartway and right-of-way.
  - [ii] The slope of the crown on a street shall be not less than 1/8 of an inch per foot and not more than 3/8 of an inch per foot measured perpendicularly from the center line of the street, unless special designs, such as super elevation, required alternate slope designs which shall be reviewed on an individual basis by the Township Engineer.
- (4) Shoulders. Shoulders shall be provided where curbing is not required and shall conform to the Pennsylvania Department of Transportation Type 6 Shoulders as shown on PennDOT RC-25M.
- (5) Curbs.
  - (a) Curbs shall be installed in all subdivision and land developments in order to control stormwater runoff, prevent erosion, prevent the deterioration of public streets and provide a contained area for vehicular movements on all streets proposed to be dedicated for acceptance by the Township. In cases where curbs are not provided, stabilized/reinforced shoulders of four feet to six feet in width shall be provided.
  - (b) Curbs shall be constructed on both sides of the interior streets and on the side of any street that bounds the development.
  - (c) Curbs shall be constructed of concrete and designed as vertical or slant type. The height of vertical curbs (above the street pavement surface) shall be eight inches. The width of vertical curbs shall be eight inches. The height of slant curbs shall be 12 inches at the face and 16 inches at the back of the curb. The width of slant curbs shall not be less than 14 inches.
  - (d) Curbs shall be inspected by the Township Engineer after the forms or grade pins and string lines for slip forming have been placed, and after completion of all work.
  - (e) Terminal concrete curb ends shall have an exposed face of two inches and be tapered two feet.
  - (f) Backfill must be placed within 48 hours after slip forming or removal of curb forms and the backfill shall be compacted in place along the rear face of the curb within six of the top of the curb.
  - (g) When curbing is to be removed to construct a driveway or access drive, the length of curbing to be removed shall be carried to the nearest expansion joint or saw cut if the joint is located less than five feet from the end of the curb removal.

- (h) Vertical curb height at driveway entrances may be reduced to a minimum of 1 1/2 inches above the street pavement surface for driveway entrances along streets where curbs are required.
  - (i) No partial breakout of the curb shall be permitted. No cutting of the curb shall be permitted without approval by the Municipal Engineer.
  - (j) Curb ramps must be installed in accordance with PennDOT and ANSI A117.1 (Accessible and Usable Buildings and Facilities), most current edition.
- (6) Street trees.
- (a) Trees shall be permitted within the public right-of-way of streets.
  - (b) Such trees shall be two inches to 2 1/2 inches in diameter, measured at chest height, when planted, and shall be spaced at the intervals no greater than 40 feet along both sides of each street or determined from the anticipated crown width of the tree at maturity. The planting strip area between the curb and sidewalk shall be seeded.
  - (c) Species shall be selected according to the following criteria:
    - [1] Be able to survive two years with no irrigation after establishment.
    - [2] Be of native origin.

**§ 320-79. Driveway entrance.**

Driveway entrances or aprons within the street right-of-way shall be surfaced to their full width, and in no case shall be less than 10 feet, the type of surface to be the same as for those specified above. Where sidewalks are installed, the required driveway surfacing shall end at the street side of the sidewalk.

**§ 320-80. Sewers and water.**

- A. Within the following zoning districts: R-1 Residential District; R-2 Residential District; RV Residential Village District; C Commercial District; and IML Industrial/Manufacturing Limited District, where a public sanitary sewer system is within 1,000 feet, or where plans approved by the Township provide for the installation of such public sanitary sewer facilities to 1,000 feet of a proposed subdivision or land development, the developer shall provide the subdivision or land development with a complete sanitary sewer system, if, in the Supervisors' opinion, on the recommendation of the Planning Commission, it is feasible. The design and installation shall be subject to the approval of the local authority with jurisdiction and Rye Township.
- B. Where the installation of a public sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system, except for an on-lot small flow treatment facility

system. The Township, at its discretion, may allow the use of an on-lot small flow treatment facility system solely for the repair of an existing sewage disposal system, which has failed, and there is no other alternative. All individual sewage disposal systems shall be permitted and constructed in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. **[Amended 3-25-2013 by Ord. No. 13-02]**

- C. Where a private, community sewerage system is proposed, such system shall be subject to approval of the Pennsylvania Department of Environmental Protection before approval by the Township. As a condition of Township approval, the Board, upon recommendation of the Planning Commission, may establish terms for future acceptance of such system on behalf of Rye Township or its municipal authority which may include a deferral of acceptance or a permanent refusal to accept. All private, community sewerage systems shall be owned and maintained by a perpetual entity and such ownership and maintenance responsibility shall be clearly established as a condition of final plan approval.
- D. Within the following zoning districts: R-1 Residential District; R-2 Residential District; RV Residential Village District; C Commercial District; and IML Industrial/Manufacturing Limited District, where a water main supply system is within 1,000 feet of, or where plans approved by the Township provide for the installation of such public water facilities, the developer or owner shall provide the subdivision or land development with a complete water main supply system to be connected to the existing or proposed water main supply system, if, in the Supervisors' opinion based upon the recommendation of the Planning Commission, it is feasible. As a condition of Township approval, the design and installation shall be subject to the approval of the agency or entity having jurisdiction.
- E. Where installation of a public water main supply system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, an individual water supply approved, when applicable, by the Pennsylvania Department of Environmental Protection, as to source, installation and quality of water.
- F. Where a private, community water system is proposed, such system shall be subject to the applicable approval of the Pennsylvania Department of Environmental Protection before approval by the Township. As a condition of Township approval, the Board, upon recommendation of the Planning Commission, may establish terms for future acceptance of such system on behalf of Rye Township or its municipal authority which may include a deferral of acceptance or a permanent refusal to accept. All private, community water systems shall be owned and maintained by a perpetual entity and such ownership and maintenance responsibility shall be clearly established as a condition of final plan approval.

**§ 320-81. Stormwater management construction standards basic construction criteria.**

Construction standards of stormwater management and soil erosion pollution control facilities shall be in accordance with the approved plan and accompanying specifications, if any. The

constructions details and standards of the following publications in their most recent revision shall control:

- A. The most recent version of the Soil Erosion and Sediment Pollution Control Manual of Pennsylvania Department of Environmental Protection.
- B. Pennsylvania Department of Transportation, Publication 408, specifications.
- C. Pennsylvania Department of Transportation, Standards for Roadway Construction RC Series.
- D. The provisions of this chapter.

**§ 320-82. Standards for curbs and gutters.**

Curbs and gutters shall be constructed according to the standards set forth in the most recent edition or revisions to Pennsylvania Department of Transportation, Publication 408. The type of curbs or gutters shall be determined by the Township Engineer.

**§ 320-83. Standards for sidewalks.**

Sidewalks, if located within the dedicated street right-of-way, shall be constructed of cement concrete according to the standards set forth in the most recent edition or revision of Pennsylvania Department of Transportation, Publication 408, Specifications.

**§ 320-84. Inspections.**

- A. The construction or installation of all improvements shall at all times be subject to inspections by representatives of the Township. If such inspection reveals that work is not in accordance with the approved plans and specifications, that construction is not being done in a satisfactory manner, or that erosion sediment, resulting from the construction, is being deposited on adjacent areas, the said representative is empowered to require corrections to be made and/or require the suspension of the subdivision or land development approval and to issue a cease and desist order, which may include any or all of the following sanctions:
  - (1) That no lot in the subdivision or land development shall be conveyed or placed under agreement of sale;
  - (2) That all construction of any lot for which a zoning permit has been issued shall cease; and/or
  - (3) That no further zoning permits for any lots shall be issued.
- B. The said cease and desist order shall be terminated upon the determination by Township representatives that the said defects or deviations from plan requirements have been corrected.



- C. No underground pipes, structures, subgrades (including cut and fill slopes) or base course shall be covered until inspected, tested (where appropriate), and approved by the Township at the following intervals:
- (1) Prior to clearing and rough grading.
  - (2) Upon completion of rough grading, but prior to placing topsoil, installing permanent drainage or other site improvements or establishing covers.
  - (3) Upon excavation and completion of subgrade, cuts and fills.
  - (4) Upon excavation, installation, and completion of drainage structures, community sewage systems, or water supply systems.
  - (5) Before placing stone base course or before initial layer of screening.
  - (6) Before placement of all bituminous courses.
  - (7) Before placement of wearing course.
  - (8) Upon completion.
- D. The developer shall notify the designated representative of the Township (usually the Township Engineer) at least 48 hours in advance of the commencement of any construction operations requiring an inspection.
- E. Developer shall be required to procure the services of a registered and/or licensed testing agency to test all work to demonstrate compliance with this chapter. Written documentation shall be provided to the designated representative of the Township (usually the Township Engineer).

**§ 320-85. Record set of plans (as-built).**

Within 30 days after completion and approval by the Township of public improvements as shown on final plans, and before acceptance of such public improvements and prior to the release of the improvement bond in accordance with § 320-75 of this chapter, the applicant shall submit to the Board of Supervisors a corrected copy of said plans showing actual locations, dimensions, and conditions of streets and all other public improvements, including easements showing geometry and monument locations certified by a registered engineer and a registered surveyor to be in accordance with actual construction. Record set plans shall show elevations and inverts to all manholes, pipes and roads, lateral connections to sewer mains and water service mains.

ARTICLE XI  
**Modification of Requirements**

**§ 320-86. Special conditions.** <sup>37</sup>

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37. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

Where, owing to the special conditions, a literal enforcement of the provisions of these standards and regulations will result in unreasonable hardship, the Board of Supervisors, after review and recommendation by the Planning Commission and/or the Township Engineer, may waive or make such reasonable modification thereto as will not be contrary to the public interest and so that the spirit of these standards and regulations shall be observed and substantial justice done.

**§ 320-87. Application for alteration of requirement(s).**

- A. Applications for any waiver or modification of standards and requirements shall be submitted, in writing, by the applicant at the time the application for development is filed with the Township. The application shall state that the waiver or modification:
- (1) Is consistent with the purpose and intent of this chapter and/or the Township Comprehensive Plan;
  - (2) Will remove or reduce any unreasonable or undue hardship, as it applies to peculiar conditions pertaining to the particular property, exclusive of cost considerations only;
  - (3) Will not be contrary to the public interest.
- B. It shall be the burden of the applicant to demonstrate compliance with the above conditions.

**§ 320-88. Alteration action by the Board of Supervisors.**

- A. In considering any request for waiver or modification of requirements, the Board of Supervisors shall record its action and the grounds for the waiver or modification of a requirement and shall notify the applicant applying for the waiver/modification of said action within 90 days of the request. In granting any waiver/modification, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this chapter and/or the Township Comprehensive Plan.
- B. Whenever a request for the waiver/modification of a requirement is denied, the Board of Supervisors shall record its action and the grounds for such denial in its minutes. The Board of Supervisors shall transmit a copy of the action and the grounds for such denial of any waiver/modification to the applicant applying for the waiver/modification.
- C. All approved waiver/modification of requirements shall be indicated by a note on the final plan with specific reference to the article and section of this chapter for which the waiver/modification was permitted.

## ARTICLE XII

**Enforcement; Penalties; Amendments and Enactment****§ 320-89. Administration and enforcement.**

- A. The Board of Supervisors shall have the duty and authority for the administration and general enforcement of the provisions of this chapter, as specified or implied herein. Officials of Rye Township having regulatory duties and authorities connected with or appurtenant to the subdivision, use, or development of land shall have the duties and authorities for the enforcement of the provisions of this chapter as specified or implied herein or as specified or implied in other ordinances of the Township.
- B. Permits required by the Township for the erection or alteration of buildings, the installation of sewers or sewage disposal system, or for other appurtenant improvements or use of the land shall not be issued by any Township official responsible for such issuance until he has ascertained that the site for such building, alteration, improvement or use is located in a subdivision or land development approved and publicly recorded in accordance with the provisions of this chapter regulating the subdivision or land development. Also, such permits shall be issued only after it has been determined that the site for such building, alteration, improvement or use conforms to the site description as indicated by the approved and recorded final plan or other land description acceptable in accordance with the provisions of this chapter, and that it is in compliance with all applicable provisions of this chapter. If the permit is issued erroneously or prior to proper approval, it is void.
- C. The Sewage Enforcement Officer shall require that applications for sewage disposal system permits contain all the information for him to ascertain that the site for the proposed system is acceptable in accordance with the provisions of this chapter, the rules and regulations of the Department of Environmental Protection, and any requirements of the Township pertaining to the issuance of such permits.

**§ 320-90. Amendments.**

Amendments to this chapter shall become effective only after the public hearing held pursuant to public notice as defined herein and in accordance with the Pennsylvania Municipalities Planning Code of 1968, Act 247, as reenacted and amended.

**§ 320-91. Violations and penalties.**

- 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 \$500 per day per violation 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 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, rolling 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. In addition to the provisions included in this section, the Township shall have the right to employ any other measures that the Legislature of the Commonwealth of Pennsylvania has deemed appropriate under the Pennsylvania Municipalities Planning Code.