

2011

Upper Saucon Township Lehigh County, PA Ordinance No. 145

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Subdivision and Land
Development Ordinance

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Background Provisions

Section 101 Short Title

This Ordinance shall be known, and may be cited as, the “Upper Saucon Township Subdivision and Land Development Ordinance of 2011”

Section 102 Purpose

The purpose of this Subdivision and Land Development Ordinance is to regulate and control the subdivision and development of land within Upper Saucon Township, so as to provide sites suitable for human habitation, commercial and industrial operations, and other uses for which land may be developed, thereby creating conditions favorable to the health, safety and welfare of the community and consistent with the goals of the Comprehensive Plan of Upper Saucon Township

Section 103 Adoption

The Board of Supervisors of Upper Saucon Township, Lehigh County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended (MPC), hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of the Township.

Section 104 Scope

- 104.A.** This Ordinance shall apply to all subdivision and land development plans for tracts of land located, in whole or in part, in Upper Saucon Township regardless of whether development actually occurs within the Township.
- 104.B.** Where a developer and any subsequent landowner have substantially completed the required improvements in accordance with the approved application but have failed to complete any aspects of the approved development in accordance with the terms of such approval within five (5) years of such approval or any extension of time as many be granted by the Board of Supervisors; the developer and any subsequent landowner shall be subject to all changes in governing ordinances enacted subsequent to the date of filing the preliminary plan application provided that such governing ordinances do not preclude the developer from building in strict accordance with the approved application.
- 104.C.** This Ordinance shall not affect any suit or prosecution pending or to be instituted, to enforce any provision of a previous subdivision and land development ordinances. With respect to an act done, contract executed, or liability incurred prior to the effective date of this Ordinance no provision of this Ordinance shall be construed to waive the obligations imposed upon an applicant to complete a previously approved preliminary or final plan application, including the installation of all required improvements, in strict compliance with the requirements of the effective Subdivision and Land Development Ordinance.

- 104.D.** No street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings thereon, unless and until authorized by this Ordinance.
- 104.E.** 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 Subdivision or Land Development Plan application has been finally approved by the Board of Supervisors and the developer complies with Section 401.D.
- 104.F.** This Ordinance does not impose any requirements upon subdivision or land development plans for which the Township is the applicant.

Section 105 Other Township Ordinances, Regulations and Requirements

All subdivision and land development plan applications are subject to the prevailing Zoning Ordinance, and all other applicable ordinances, regulations and requirements of the Township.

Section 106 Conflicts

Whenever there exists a conflict between a requirement of this Ordinance and other applicable ordinances, the more stringent requirement shall apply.

Section 107 Administration and Enforcement

The Board of Supervisors shall be responsible for the administration of this Ordinance. Unless otherwise provided herein, the Board of Supervisors hereby designates the Planning Commission as the body to provide reviews and make recommendations concerning all applications filed under this Ordinance. Primary administration and enforcement responsibility under this Ordinance shall be with an authorized Township official.

Section 108 Definitions

- 108.A.** **Word Usage** - Words and phrases shall be presumed to be used in their ordinary context, unless otherwise defined herein or interpreted in accordance with Section 108.B. Defined terms shall be interpreted in accordance with their definitions unless the context clearly indicates otherwise.
- 108.B.** **Language Interpretation** - In this Ordinance:
 1. Words in the present tense imply also the future tense;
 2. The singular includes the plural;
 3. The male gender includes the female gender; and
 4. The terms "shall", "must", or "will" are always mandatory.

108.C. Specific Terms - The following words and phrases shall be defined as follows:

ACCESS DRIVE - An improved cartway designed and constructed to provide for vehicular movement between a public or private street and the off-street parking and/or loading area for any use other than one single-family dwelling unit or farm.

ABUT - To touch or join at the edge or border; to border on; or to end at.

AGENT - Any person other than the applicant or developer, who acting for the applicant or developer submits subdivision and/or land development plans to the Township or participates in their review for the purpose of obtaining approval thereof and is authorized to bind the applicant or developer.

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

APPLICANT - A person having interest in land or standing to submit an application for development pursuant to this Ordinance.

APPLICATION - Every submission required to be filed and approved prior to the start of construction of a subdivision or land development. The term application shall be all encompassing and include the plans and all supporting reports and studies required by this Ordinance. The following are the types of applications authorized by this Ordinance:

1. **ECHO Housing Application**: An application specifically for a limited type of housing as defined and regulated in the Zoning Ordinance;
2. **Final Plan Application**: An application prepared for official recording as required by statute to define property rights, and depict required improvements;
3. **Lot Line Adjustment Plan Application**: An application having as its sole purpose the addition of a parcel of land to an abutting lot with no additional lot being created;
4. **Preliminary/Final Plan Application**: An application representing the combined submission of a preliminary plan and final plan;
5. **Preliminary Plan Application**: An application which, when approved, authorizes the construction of required improvements and sets the parameters of a final plan;
6. **Revised Final Plan Application**: An application for the correction of an obvious error or a minor alteration in a previously-approved application; and
7. **Sketch Plan Application**: An application submitted for informal review and comment by the Township to which no rights attach.

BOARD OF SUPERVISORS - The governing body of Upper Saucon Township, Lehigh County, Pennsylvania.

CARTWAY - The paved surface of a street or access drive that is available for use by vehicular traffic.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at a street intersection defined by a line of sight between points at center lines.

COMMON AMENITIES - Certain additions, alterations or modifications constructed or made to, upon or in connection with realty as required by an approved subdivision plan or approved land

development plan and which are not intended to be offered for dedication to the Township or its Authorities. See definitions for improvements and required improvements.

COMMON OPEN SPACE - Any area of land or water, or a combination of land and water, within a development site designed and intended for use by all residents of the development or the general public. Common open spaces shall not include areas devoted to driveways, access drives, parking lots, street rights-of-way, required setbacks and/or private yards contained on an individual lot of a principal residence. Typically storm water management facilities shall not be counted as common open spaces unless, with Township approval, such facilities are designed and constructed as wet ponds or shallow basins that incorporate natural features, landscaping, recreational uses or other, similar qualities. With Township approval, common open space can include golf courses and parklands subject to the requirements of Sections 427.E. or 214.I. of the Zoning Ordinance.

COMMUNITY SEWAGE DISPOSAL SYSTEM - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is not proposed to be owned and/ or operated by Upper Saucon Township, the Upper Saucon Sewage Treatment Authority and/or the Upper Saucon Township Municipal Authority. All community sewage disposal systems shall be approved and permitted by the Pennsylvania Department of Environmental Protection and be in accordance with the Township Act 537 Plan (Official Sewage Plan).

CONDOMINIUM - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended, 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.

CONSULTANT - All professional consultants, other experts, attorneys and independent contractors retained by the Township to provide professional or expert advice or services to the Township in connection with the review and comment on the developer's application or the construction, observation, inspection, review and/or approval of the required improvements contemplated by the developer's plan.

COUNTY – The County of Lehigh, Pennsylvania.

COUNTY PLANNING COMMISSION - The Lehigh Valley Planning Commission.

CURB - The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

CURB LINE - The outside edge of the cartway.

DEDICATION - The deliberate transfer of land or interest in land by its owner to another party.

DEED - A written instrument whereby an estate in real property is conveyed.

DEVELOPER – An applicant or any person who acquires the rights and obligations of the applicant.

DRIVEWAY - An improved cartway designed and constructed to accommodate vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

DWELLING - Any building or portion thereof designed and used exclusively for residential occupancy but not including hospitals, nursing homes, hotels, boarding, rooming and lodging houses, institutional houses, tourists courts, and the like, all offering overnight accommodations for guests or patients.

DWELLING UNIT - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, and bathroom facilities.

EASEMENT - A property right granted for the limited use of private land for a public, quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

ECHO HOUSING - A temporary dwelling unit placed on a property with another single family detached dwelling for occupancy by either an elderly, handicapped, or disabled person(s) related by blood, marriage, or adoption, to the occupants of the principal dwelling, or their care giving family members.

ENGINEER - A professional engineer registered as such in the Commonwealth of Pennsylvania.

EROSION - The process by which soil particles are detached and transported by action of natural forces.

EXCAVATION - Any activity by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed and the resulting conditions.

FARM - A parcel of land that is used for one (1) or more agricultural operations, including but not necessarily limited to the raising of agricultural products, livestock, poultry, or the production of dairy products. A "farm" shall be understood to include a dwelling unit as well as all structures necessary for the housing of animals, storage of feed and equipment, and other operations customarily incidental to farm use.

FLOODPLAIN - An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded, or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FRONTAGE - The line of a lot coincident with an abutting right-of-way line of a street that can be used for vehicular access to the site.

GRADE - A measurement of slope expressed in terms of percentage of vertical distance versus horizontal distance.

IMPROVEMENTS - All additions, alterations or modifications constructed or made to, upon or in connection with realty as required by an approved land development application which are intended to be offered for dedication to the Township or its Authorities. See definitions for common amenities and required improvements.

LAND DEVELOPMENT - Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.
2. A subdivision of land.

3. The following activities are excluded from this term:
- a. The conversion of an existing single-family detached dwelling into not more than two (2) residential units, unless such units are intended to be a condominium;
 - b. The addition of an accessory building or use, including farm buildings, on a lot or lots subordinate to an existing principal residence or farm;
 - c. The addition or conversion of buildings or rides within the confines of an amusement park. This exclusion shall not apply to newly proposed or newly acquired areas of an existing amusement park until the initial land development plans for such parks or areas have been approved pursuant to the terms of the Subdivision and Land Development Ordinance; and
 - d. Construction of non-residential additions or non-residential accessory buildings provided the construction does not result in the following:
 - i. Building addition or accessory structure in excess of one thousand (1,000) square feet or ten percent (10%) of the existing building's square footage. Once the one thousand (1,000) square feet or ten percent (10%) addition has been reached, any further expansions will require land development approval;
 - ii. Increase in employees greater than five percent (5%) of the existing staff, except all principal businesses are entitled to add a minimum of two (2) employees if allowed by the Zoning Ordinance;
 - iii. Increased storm water impacts requiring an expansion of existing storm water facilities or additional storm water impact upon neighboring properties;
 - iv. Installation of additional access drives providing vehicular access to or from a public-right-of-way;
 - v. Need for PA DEP Sewer Planning Module or exemption;
 - vi. Impacts on floodplains and/or wetlands; or
 - vii. More than five (5) additional parking spaces.

LAND SURVEYOR - A land surveyor registered in the Commonwealth of Pennsylvania.

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

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit and that is not divided by a street.

LOT LINE - A recorded boundary line of a lot; however, any line that denotes an adjoining public or private street or railroad right-of-way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by the Zoning Ordinance.

MANUFACTURED HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel

trailers. Manufactured homes placed in parks shall meet the Zoning Ordinance requirements for manufactured home parks. Manufactured homes placed on individual lots shall be considered “dwellings,” and be bound by the requirements there-imposed.

MANUFACTURED HOME PARK - A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MINIMUM LOT AREA - The least amount of land area required to be to be associated with a principal use as specified within the Zoning Ordinance.

MPC - Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended.

OFFICIAL MAP - The Official Map of Upper Saucon Township, as may be amended from time to time, adopted pursuant to Ordinance 140 in accordance with Article IV of the MPC and including the following three component maps:

1. Existing Environmental Features;
2. Existing Parks, Conservation Lands and Transportation Facilities; and
3. Reservation of Public Ground.

ON-LOT SEWAGE DISPOSAL SYSTEMS - A system of conveyance, treatment, and discharge that provides for the safe and healthful disposal of sewage generated by one principal use within the confines of the lot on which the use is located, as approved by the PA DEP.

ON-LOT WATER SERVICE - The provision of water to a single user from a private source located on the user’s lot.

PA – The Commonwealth of Pennsylvania.

PA DEP – The Pennsylvania Department of Environmental Protection.

PAVED - A condition of surface in which man-made materials are applied resulting in a durable, smooth, stable and dust free surface over which vehicles and pedestrians may pass. This definition shall expressly include asphalt, bituminous, concrete, masonry, permeable, geo-grids and other similar materials provided they are applied with sufficient depth and base to achieve the required durable, smooth, stable and dust free surface.

PENNDOT – The Pennsylvania Department of Transportation.

PERSON - An individual, partnership, corporation, limited liability company, limited liability partnership, firm, company, association, governmental entity other than the Township, trustee, receiver, assignee, or similar representative.

PLAN - The representation of a tract of land on a drawing including all supplementary data required to be noted thereon by this Ordinance.

PLANNING COMMISSION – The Planning Commission of Upper Saucon Township.

PUBLIC SEWER - A system of conveyance, treatment and discharge that provides for the safe and healthful disposal of sewage generated by multiple principal uses that is owned, leased and/or operated by Upper Saucon Township, the Upper Saucon Sewage Treatment Authority and/or the Upper Saucon Township Municipal Authority, including their successors.

PUBLIC UTILITIES - Facilities, including extension thereof, which are operated, owned or maintained by a municipality or municipal authority or which are privately owned and require a "Certificate of Public Convenience" approved by the Pennsylvania Public Utility Commission for the purpose of providing public sewage disposal and/or treatment; public water supply, storage and/or treatment; or the transmission of energy or telephone service.

PUBLIC WATER - A system of source, treatment, storage and/or distribution of domestic water supply to multiple principal uses that is owned and/or operated by Upper Saucon Township and, within specific areas approved by the Township, owned and operated by the City of Bethlehem or the Coopersburg Municipal Authority, including their successors.

REVIEW FEES - All professional consultant or expert fees paid or incurred by the Township in the course of application review and comment (including all review and comment leading to final plan recording) or paid or incurred by the Township and arising out of or relating to the construction, observation, inspection, review, and/or approval of the required improvements contemplated by the application.

REQUIRED IMPROVEMENTS - All additions, alterations or modifications constructed, or made to, upon or in connection with, realty as required by an approved land development plan or approved subdivision plan and which are the subject of financial security. Required improvements may include improvements and common amenities as those terms are defined herein. The scope of required improvements shall be based upon the approved land development or subdivision plan and may relate to or include, but shall not be limited to, traffic controls, streets, storm water management facilities, sanitary sewage facilities, water distribution facilities, recreational facilities, street trees, parking lots, access roads, buffer plantings, screening, lighting, soil/erosion/sedimentation controls, and with respect to all of the foregoing, all appurtenances related thereto. See definitions of improvements and common amenities.

RIGHT-OF-WAY - An area secured for public use and which may, but need not, be improved with streets, utilities, storm water management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes or paths, streetlights, and similar improvements for public benefit or enjoyment.

SETBACK - The required horizontal distance between a setback line and a property or street line.

SETBACK LINE - A line within a property and parallel to a property line or street line which delineates the required minimum distance between some particular use of property and that property line or street line.

STANDARD CONSTRUCTION DOCUMENTS - A document or series of documents containing requirements, specifications and details regulating construction in the Township.

STORM WATER MANAGEMENT - A program of controls and measures designed to regulate the quality and quantity of storm water runoff from a development, while promoting the protection and conservation of groundwater and groundwater recharge.

STORM WATER MANAGEMENT FACILITIES - Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses, and floodplains) comprising a storm water management program.

STREET - A public or private right-of-way, excluding driveways and access drives, intended for use as a means of vehicular and pedestrian circulation that provides a means of access to abutting property. The word "street" includes "thoroughfare," "avenue," "boulevard," "court," "drive," "expressway," "highway," "lane," "road," and similar terms. This definition shall not include alleys as defined herein.

STREET CENTERLINE - A line laterally bisecting a street right-of-way into equal widths, where the street right-of-way cannot be determined, the cartway centerline shall be deemed the street centerline.

STREET LINE OR RIGHT-OF-WAY LINE - The line defining the limit of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line currently in existence.

STREAM - Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank.

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

SWALE - A channel which gathers or carries surface water.

TOWNSHIP - Upper Saucon Township.

TOWNSHIP ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Upper Saucon Township.

TOWNSHIP SOLICITOR - The attorney or firm appointed by the Board of Supervisors or duly authorized by the Board of Supervisors.

TRAFFIC CALMING DEVICES - All measures, systems and programs described in the Commonwealth of Pennsylvania Department of Transportation, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" and all revisions and updates thereto and any successor publications thereto.

WAIVER - A change or modification to the literal terms of this Ordinance granted by the Board of Supervisors pursuant to the MPC.

WATERCOURSE - A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water carrying or holding surface water, whether natural or artificial.

WATERSHED - All the land area from which water drains into a particular watercourse.

WETLANDS - Those areas that are inundated or saturated by surface or ground water 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, and which shall be identified using that method of the following that delineates the greatest area of wetlands:

1. The United States Army Corps of Engineers Technical Report Y87-1, Corps of Engineers Wetlands Delineation Manual;
2. The United States Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology, as most recently updated or modified; or,

3. The Pennsylvania Department of Environmental Protection's Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations, as most recently updated or modified.

ZONING ORDINANCE - The Official Zoning Ordinance of Upper Saucon Township as may be amended from time to time.

Procedures for: Processing Applications, Authorization for Start of Work, Construction Observation, and Dedication of Improvements

Section 201 General

201.A. General Description of Procedures - Each application for review of a subdivision and/or land development shall be made on a form prescribed by the Township. The procedures for consideration of a subdivision and/or land development include:

1. Optional Procedures

- a. Pre-application Review (Section 202.A.) - This procedure provides the applicant an opportunity to receive recommendations and guidance from the Township staff, while the project is at an early stage.
- b. Sketch Plan Review (Section 202.B.) - This procedure provides the applicant a formal review process to receive recommendations and guidance from the Township staff, consultants and Planning Commission.

2. Mandatory Procedures

- a. Preliminary/Final Plan Application (Section 203.B.) - This procedure is a combined submission of a Preliminary Plan and Final Plan application.
- b. Preliminary Plan Application Followed By Final Plan Application (Section 203.C.) - This procedure is for receiving a separate approval for a Preliminary Plan Application before submission of a Final Plan Application. This procedure accommodates phased development and other procedural benefits that are derived from a multi-level submission process.

3. Special Procedures

- a. ECHO Housing (Section 204.B.1.) - This type of housing is defined and regulated in the Zoning Ordinance and is not required to comply with the processing procedure specified in this Ordinance.
- b. Revised Final Plan Application (Section 204.B.2.) - This procedure is for correction of an obvious error or a minor alteration in a previously-approved application.
- c. Lot Line Adjustment Plan Application(Section 204.B.3.) – This procedure is for an addition of a parcel of land to an abutting lot with no additional lot being created.

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- 201.B. Discretionary Procedures** - Procedures described in this Ordinance that are not mandated by the provisions of the MPC, are discretionary as to the Township's obligation. Failure of the Township to abide by such procedures shall not invalidate any action taken herein. However, all procedures are mandatory as to the applicant, unless waived by the Board of Supervisors, pursuant to Section 205.
- 201.C. Township Staff and Consultant Review** - Each application shall be subject to Township staff and consultant review prior to recommendation by the Planning Commission and decision by the Board of Supervisors. The applicant is not entitled to participate in, or be present at, any Township staff or consultant review; however, where deemed appropriate, the applicant and/or agent may be invited to attend.
- 201.D. Decision By Board of Supervisors** - The official Township decision on any application filed under this Ordinance rests solely with the Board of Supervisors.
- 201.E. Special Exception or Conditional Use** - Whenever the Zoning Ordinance provides that the use proposed by the applicant shall constitute a use permitted by special exception or a conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or the Board of Supervisors, as applicable, prior to the submission of an application for Preliminary/Final Plan or Final Plan approval. The application shall conform to any conditions which have been imposed upon the granting of such special exception or conditional use by the Zoning Hearing Board or the Board of Supervisors.
- 201.F. Variance** - Whenever the applicant proposes to develop a subdivision or land development in a manner that would require a variance from any requirements of the Zoning Ordinance, the applicant shall obtain such variance from the Zoning Hearing Board prior to the submission of an application for Preliminary/Final Plan or Final Plan approval. The application shall conform to any conditions which have been imposed upon the granting of such variance or variances by the Zoning Hearing Board.
- 201.G. Application Revisions After Submission** - Revisions or additions to the application are not permitted after the Planning Commission makes its recommendation to the Board of Supervisors. Only the material acted upon by the Planning Commission will be considered by the Board of Supervisors.
- 201.H. Schedule for Review and Action**
1. The time frame for review and action with respect to subdivision and/or land development plan applications shall be as set forth in the MPC.
 2. At such time and under such circumstances as the Township staff and consultants shall determine that Planning Commission and/or Board of Supervisors review is appropriate, the application shall be placed on the next available Planning Commission or Board of Supervisors agenda and the applicant so notified. Attendance at the Planning Commission and Board of Supervisors meetings by the applicant or agent is required.
- 201.I. Fees** - The Township shall establish by resolution certain fees to be paid at the time of filing an application for plan review. Upon filing of an application, the Township shall establish an account in the name of the applicant and bill to the account those fees and expenses incurred in the course of review as permitted by law. Any failure by the applicant to pay such fees as required by this Ordinance shall constitute grounds for rejection of the application.
- 201.J. Effect of Plan Notes** - All notes on an approved plan shall be deemed mandatory and constitute requirements, obligations, covenants, or restrictions, all of which shall run with the land and bind the applicant and its agents, servants, employees, contractors, transferees, grantees, heirs,

successors, and assigns.

201.K. Submission of Multiple Design Concepts – The submission of more than one (1) design concept for the same property is allowed, provided each design concept is a separate, independent, application. Each submission shall reference withdrawal of all other design concepts when approval of the application is attained. No applicant is entitled to approval of multiple design concepts for the same property.

201.L. Applicant’s Duty of Good Faith

1. Upon the filing of an application for review under this Ordinance, the applicant shall exercise good faith and promptly address or otherwise respond substantively to the review comments and requirements of the Township and its staff and consultants.
2. It is the duty of the applicant to move the application to completion in a prompt, timely, and diligent manner so as to enable formal action by the Planning Commission or Board of Supervisors, as the case may be, and to comply with all conditions of approval imposed by the Board of Supervisors, and to record the plan.
3. The Township is not obligated to accept an applicant’s offer of a time extension or grant a continuance of any hearing, meeting or review.

201.M. Unsworn Falsification to Authorities - All statements made, whether written or oral, to the Township in the course of the land development plan or subdivision plan procedures, shall be true and correct to the best of the knowledge, information and belief of the applicant or its agents and consultants, and with the understanding that any false statement is subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to “Unsworn Falsification to Authorities.”

201.N. Submission Constitutes Public Record (Waiver of Copyright)

1. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Township or it’s consultants pursuant hereto constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are subject to review and reproduction upon request in accordance with that Law and applicable Township ordinances and resolutions.
2. To the extent that any documents or materials constitute public records but are subject to copyright protection pursuant to applicable law, the applicant and all of its agents, employees and consultants, by filing such documents with the Township pursuant to this Ordinance, shall be deemed to have waived all copyright protection and damages relating hereto. This waiver of copyright protection shall relate only to the reproduction and use of such documents in connection with the review, comment, and analysis of the application.
3. By making a submission under this Ordinance, the applicant hereby agrees to indemnify, defend and hold harmless the Township and all its agents, servants, employees, officials and consultants of and from any and all claims, damages, suits or causes of actions arising out of violations or allegations of violations of copyright law.

Section 202 Optional Review Procedures

202.A. Pre-application Procedure - The applicant may discuss plans under the Pre-application Procedure with Township staff prior to a formal submission under Sections 202.B, 203, 204, or 205. The purpose of the Pre-application Procedure is to afford the applicant an opportunity to receive input from the

Township staff, while the project is at an early stage and before the formal filing of a plan. The Pre-application review shall not be considered submission of a plan for the purpose of determining approval, nor is this filing subject to Section 508 of the MPC. No legal rights attach to the Pre-application Procedure.

202.B. Sketch Plan Application Procedure

1. Purpose - The applicant may submit an application to the Township using this procedure before submission under Sections 203, 204 or 205. The purpose of the Sketch Plan review is to afford the applicant an opportunity to receive recommendations and guidance from Township staff, consultants and the Planning Commission, while the project is at an early stage.
2. Submission Procedure - Applications may be submitted to the Township on any business day but must be received by the Township no later than twenty-eight (28) calendar days prior to a Planning Commission meeting in order to be considered for placement on the agenda. The Township reserves the right to determine in its sole discretion when an application will be placed on an agenda.
3. Application Requirement - All applications shall include an application form, application fee, plans, and supporting information specified on the application form. The Township may require additional copies of the above-referenced material.
4. Review - The application is reviewed by Township staff, consultants and, if requested by the applicant, the Planning Commission. If the application notes a request for Planning Commission review, Township staff shall determine when the application will be placed on the Planning Commission agenda and notify the applicant. Attendance at the Planning Commission meeting by the applicant or agent is necessary to discuss all aspects of the application.
5. Legal Rights - No legal rights attach to the Sketch Plan Application, and Section 508 of the MPC shall not apply.

Section 203 Mandatory Review Procedures

203.A. General - The filing of an application under this Section is mandatory for all subdivision and land development plans, except as provided in Section 204 Special Plan Procedures.

203.B. Preliminary/Final Plan Application Procedure

1. Purpose - The Preliminary/Final Plan Application provides a procedure for the combined submission of an application for Preliminary Plan Application and Final Plan Application. In the alternative, the applicant may sequentially submit a Preliminary Plan followed by Final Plan under Section 203.C.
2. Submission Procedure
 - a. The application may be submitted to the Township on any business day but must be received by the Township no later than twenty-eight (28) calendar days prior to a Planning Commission meeting in order to be considered for placement on the agenda. The Township reserves the right to determine in its sole discretion when an application will be placed on an agenda.
 - b. All zoning relief or zoning approval required by the application shall be obtained prior to submission of an application.

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3. Submission to Other Agencies
 - a. The applicant shall submit the Preliminary/Final Plan to the Lehigh Valley Planning Commission, PENNDOT, Lehigh County Conservation District, and any other applicable agency with jurisdiction and provide the Township with evidence of the submission.
 - b. Where a subdivision or land development abuts another municipality, the applicant shall, at the request of the Township, provide a courtesy copy of the plan to that municipality and provide the Township with evidence of the submission.
 4. Lehigh Valley Planning Commission Review - The Township will not schedule an application for action by the Board of Supervisors until the receipt of the Lehigh Valley Planning Commission report, or the expiration of thirty (30) calendar days from the date the application was forwarded to the Lehigh Valley Planning Commission.
 5. Application Contents
 - a. All applications shall include a completed application form, fee, escrow deposit, plans, and all other documents specified on the application form. Upon filing, the same shall constitute an “application for development” within the meaning of the MPC.
 - b. Failure to fully complete the application form, provide all required information and fee, and follow all directives contained therein shall be grounds to reject the application as incomplete and therefore not filed within the meaning of Section 508 of the MPC. If an application is deemed incomplete, the time for review and action on the proposed subdivision and/or land development plan application shall not be deemed to have commenced.
 6. Review for Completeness of Application
 - a. Bases for Determination - To be complete, the submission shall contain:
 - i. Fully completed and executed application form;
 - ii. Application fee and escrow deposit;
 - iii. All documents specified in the application form; and
 - iv. Correct number of copies of all documents.
 - b. Complete Application - If determined to be complete, the application shall be deemed accepted for filing as of the date of receipt. Acceptance for filing shall not constitute a waiver of any deficiencies or irregularities.
 - c. Incomplete Application - If determined to be incomplete, the application may be rejected. If rejected, the Township shall notify the applicant of the rejection within ten (10) days of receipt of the application.
 - d. Appeal of Rejection - The applicant may, within seven (7) days of receipt of the notice of rejection, file with the Township an appeal of the rejection. Such appeal shall state the grounds for the appeal. The Board of Supervisors will consider the appeal at a public

meeting within forty-five (45) calendar days of receipt of the appeal. The time period for action on the application is not extended by appeal if the applicant prevails.

- e. No legal rights attach if the application is rejected, and Section 508 of the MPC shall not apply.

7. Staff and Consultant Review

- a. Review - Prior to review by the Planning Commission, the application may be reviewed by the Township staff and consultants. Where appropriate, the applicant may be invited to attend a review meeting with the Township staff and consultants.
- b. Review Letter - The Township staff and consultants may issue review letters. The review letters shall cite, where appropriate, the legal authority in support of the comments contained therein.

8. Planning Commission Review

- a. Schedule - At such time and under such circumstances as the Township staff and consultants shall determine that Planning Commission consideration is appropriate, the application shall be placed on the next available meeting agenda and the applicant so notified.
- b. Attendance at Public Meeting - Attendance at the Planning Commission public meeting by the applicant or agent is required. The applicant or agent must be prepared to discuss all aspects of the application.
- c. Deliberation and Recommendation - At the public meeting, the Planning Commission will consider the applicant's submission, Township staff and consultant reviews, other pertinent material, and public comment. The Planning Commission may:
 - i. Table action on the application; or
 - ii. Take action on the application which may include a recommendation of approval, approval with conditions or denial. Such action will form the basis for the resolution to be acted upon by the Board of Supervisors. Receipt of the Planning Commission recommendation is a prerequisite to review and action by the Board of Supervisors.
- d. Resubmission of Application - If the applicant revises the application before action by the Planning Commission, the revised application shall be submitted to the Township according to Section 203.B with a brief narrative identifying the alterations.
- e. Application Revisions After Submission - Revisions or additions to the application are not permitted after the Planning Commission makes its recommendation to the Board of Supervisors. Only the material acted upon by the Planning Commission shall be considered by the Board of Supervisors.
- f. Resolution to Board of Supervisors - Based upon the recommendation of the Planning Commission, the Township staff will prepare and submit a resolution for consideration by the Board of Supervisors. Where applicable, the resolution shall cite provisions of this Ordinance, as well as other pertinent ordinances, rules, regulations, specifications, and authority relied upon. The Board of Supervisors is not bound by the resolution and may modify the same.

9. Board of Supervisors Decision

- a. Schedule - Following a Planning Commission recommendation, the application shall be placed on the next available Board of Supervisors agenda and the applicant so notified.
- b. Attendance at Public Meeting - Attendance at the Board of Supervisors public meeting by the applicant or agent is required. The applicant or agent must be prepared to discuss all aspects of the application.
- c. Decision - Before rendering a decision on the application, the Board of Supervisors shall, at the public meeting, consider the application's submission, other pertinent material, and public comment. The Board of Supervisors is not bound by the resolution and may modify the same. The Board of Supervisors shall announce its decision at the meeting.
- d. Applicant Acceptance of Conditions - If the application is approved subject to modification or other conditions, the applicant or agent will be requested at the public meeting to verbally indicate acceptance or rejection of such modification or conditions.
- e. Written Notification of Decision - Township staff shall provide written notice of the Board of Supervisors decision to the applicant, in accordance with the MPC.
- f. Acceptance of the Conditions of Approval - The applicant shall provide the Township with a written acceptance of the conditions of approval. Refusal by the applicant to execute written acceptance of the conditions of approval shall constitute a denial of the application.
- g. Extension of Time - The applicant or agent may offer the Township an extension of time within which to act upon the application and/or render a written decision. The Township shall not be obligated to accept such offer.

10. Compliance With Conditions of Approval

- a. If the Board of Supervisors approves the application subject to conditions, documents evidencing compliance with such conditions (including but not limited to required financial security and improvement agreements as specified in Article 4) shall be submitted to the Township. The applicant shall include a brief narrative concerning the submitted data.
- b. Where financial security and an improvements agreement are required as a condition of approval, the plan shall not be recorded until such time as the same are provided to the satisfaction of the Township.
- c. The Township staff will advise the applicant when all conditions of approval have been satisfied.
- d. After all conditions of approval are satisfied, the applicant shall present to the Township:
 - i. One (1) paper copy of the full plan set and supporting material for the Township files; and
 - ii. One (1) electronic file of the full plan set and supporting material formatted to the current Township specifications;

11. Plan Certification and Recording

- a. Plan Standards for Certification and Recording - All plan copies shall be in black ink and bear original signatures on each certificate and seal of each professional responsible for preparation of the plan.
- b. Number of Plans for Recording – For plan certification and recording, the applicant shall present to the Township for execution:
 - i. One (1) paper copy of the plans sheets that are intended for recording, to be returned to the Township after recording;
 - ii. One (1) paper copy of the plan sheets that are intended for recording, to be returned to the Lehigh Valley Planning Commission;
 - iii. One (1) mylar copy of plan sheets that are intended for recording, to be filed with the Lehigh County Recorder of Deeds; and
 - iv. The number of plan sheet copies, with original signatures, that are desired to be retained by the applicant.
- c. Payment of Fees - No plan shall be released for recording until all consultant review fees and any other sums due and owing which relate to the subject property are paid in full in accordance with this Ordinance and applicable resolutions.
- d. Recording of Plans
 - i. Upon execution by the Township, the applicant shall submit the plans to the Lehigh Valley Planning Commission for signature and thereafter the office of the Lehigh County Recorder of Deeds for recording. The applicant shall provide the Township with a proof of recordation.
 - ii. One (1) paper copy containing original signatures of the Lehigh Valley Planning Commission and Lehigh County Recorder of Deeds must be returned by the applicant to the Township.
 - iii. Recording of the plan shall have the effect of an irrevocable offer to dedicate all improvements shown thereon. Approval by the Board of Supervisors shall not impose any duty upon the Township concerning maintenance of any such improvements until the Board of Supervisors shall have accepted the same.

203.C. Preliminary Plan Application Followed By Final Plan Application

- 1. Purpose - This procedure provides for receiving separate approval of a Preliminary Plan Application and a Final Plan Application. This procedure accommodates phased development and other procedural benefits derived from a multi-level submission process.
- 2. Sequential Submission - The Preliminary Plan and Final Plan procedures are sequential. The Preliminary Plan approval must be received before submission of the Final Plan. The Final Plan shall be substantially consistent with the Preliminary Plan. The Final Plan may consist of phases of an approved Preliminary Plan, provided:
 - a. In a residential subdivision or land development each phase shall contain the minimum

number of dwelling units permitted by the MPC, unless a lesser number is approved by the Board of Supervisors in its discretion;

- b. Each phase independently conforms to the Ordinance, regulations and other standards of the Township; and
 - c. Each phase independently results in a logical extension of streets, access drives, alleys, storm water management facilities, sanitary sewer facilities, water supply facilities, and other required improvements.
3. Submission Procedure - Each application shall be submitted in compliance with Sections 203.B. 2 through 4, as applicable.
 4. Application Contents - Each application shall be in compliance with Section 203.B.5.
 5. Application Process - Each application shall be processed in compliance with Sections 203.B.6 through 10.
 6. Plan Certification and Recording - The Final Plan shall be processed in compliance with Section 203.B.11.

Section 204 Special Procedures

204.A. Eligibility for Special Procedure - Except as otherwise specified, eligibility for a Special Procedure is at the sole discretion of the Township.

204.B. Type of Plan Applications

1. ECHO Housing Plan - ECHO Housing, as regulated in the Zoning Ordinance, is not required to comply with the processing procedure specified in this Ordinance. The procedures of the Zoning Ordinance shall apply to ECHO housing.
2. Revised Final Plan - The procedures of Section 204.C. shall apply to a Revised Final Plan. A Revised Final Plan is limited to the following:
 - a. Correction of an obvious error in an approved application; or
 - b. Depiction of a minor alteration that is substantially consistent with an approved application.
3. Lot Line Adjustment Plan - The procedures of Section 204.C. shall apply to a Lot Line Adjustment Plan. A Lot Line Adjustment Plan is limited to the addition of a parcel of land to an abutting lot with no additional lot is being created.

204.C. Submission Procedure for Revised Final Plan and Lot Line Adjustment Plan Applications - The application shall be submitted to the Township on any business day.

1. Submission Procedure - The application shall be submitted in compliance with Sections 203.B. 2 through 4, as applicable.
2. Application Requirements - The application shall be in compliance with Section 203.B.5.

3. Staff and Consultant Review - The application is reviewed by Township staff and consultants in accordance with Sections 203.B.6 and 7. Township staff may refer the application to the Planning Commission for review in accordance with Section 203.B.8.
4. Board of Supervisors Decision - At such time and under such circumstances as the Township staff shall determine that Board of Supervisors consideration is appropriate, the application shall be placed on the next available agenda. The decision will be in accordance with Section 203.B.9.
5. Compliance With Conditions of Approval - If the Board of Supervisors conditions its approval upon receipt of additional information, alterations, changes, or notifications, such data shall be submitted and/or alterations noted in compliance with Section 203.B.10.
6. Plan Certification and Recording - The plan shall be processed in compliance with Section 203.B.11.

Section 205 Waiver Procedure

205.A. Purpose - A waiver is the remedy by which an applicant may receive a modification or deferment of an Ordinance requirement as it applies to a specific project.

205.B. Standards for Waiver - A waiver may be approved at the sole discretion of the Township when the applicant demonstrates all of the following:

1. The literal enforcement of the Ordinance requirement is unreasonable or will exact undue hardship because of a peculiar condition pertaining to the land, or that an alternative standard will provide an equal or better result;
2. The waiver will not be contrary to the public interest;
3. The waiver is consistent with the intent of this Ordinance;
4. The waiver is consistent with Section 102 – Purpose; and
5. The waiver represents the minimum modification for relief.

205.C. Submission Procedure

1. Written Request - The request for a waiver shall be submitted in writing. The request shall include a citation to the specific ordinance provision for which the waiver is sought, together with a statement setting forth the purpose and grounds for the request.
2. Planning Commission Review - At the public meeting, the Planning Commission shall consider Township staff and consultant review, the applicant's submission, and other pertinent material and public comment. The Planning Commission may recommend reasonable conditions that may attach to the waiver. The Planning Commission will make a recommendation which will form the basis of the resolution to be acted upon by the Board of Supervisors.
3. Draft Resolution to Board of Supervisors - Based upon the recommendation of the Planning Commission, Township staff will prepare and submit a draft resolution for consideration by the Board of Supervisors. Where applicable, the resolution shall cite provisions of this Ordinance, as well as other pertinent ordinances, specifications, and authority relied upon or the reason

therefore. The Board of Supervisors is not bound by the draft resolution and may modify the same.

4. Schedule - At such time and under such circumstances as the Township staff and consultants shall determine that Board of Supervisors consideration is appropriate, the waiver request may be placed on the next available Board of Supervisors agenda and the applicant so notified.
5. Attendance at Public Meeting - Attendance at the Board of Supervisors public meeting by the applicant or agent is required. The applicant or agent must be prepared to support the grounds and basis for the waiver request.
6. Deliberation - At the public meeting, the Board of Supervisors shall consider Township staff and consultant reviews, the applicant's submission, and other relevant material and public comment. The Board of Supervisors shall decide the request and may attach reasonable conditions to any grant thereof.
7. Applicant Acceptance of Conditions - If the waiver is approved subject to modification or other conditions, the applicant will be requested at the public meeting to verbally indicate acceptance or rejection of such modification or conditions. Refusal by the applicant to accept modification or conditions of approval constitutes denial of the waiver.
8. Written Notification of Board of Supervisors Decision and Applicant's Acceptance - Township staff shall provide written notice of the Board of Supervisor's decision to the applicant personally or by mail to the last known address. The applicant shall provide the Township with a written approval or rejection of the Board of Supervisors decision. Refusal by the applicant to accept conditions of approval shall constitute denial of the waiver.
9. Sovereign Action By the Board of Supervisors - The Board of Supervisors may consider a waiver independent of the Planning Commission review procedure.

Section 206 Authorization for Start of Work

206.A. Unless authorized by the Township, no work shall commence until:

1. All required permits and approvals are received;
2. The developer reimburses the Township for all review fees and any other sums due and owing which relate to the subject property;
3. The improvements agreement is executed;
4. The developer's expense escrow account is established and funded;
5. Approved financial security (if applicable) is provided;
6. Approved insurance is provided;
7. A pre-construction conference is conducted with Township staff; and
8. A notice to proceed is issued in writing by the Township.

Section 207 Construction Observation

- 207.A. Township Assignment of Representatives** - The Township may, during the course of construction, installation, erection, and completion of the required improvements, assign representatives to observe or inspect the performance of the developer's work. Such representatives are not authorized to revoke, alter, amend, enlarge, relax, or release any requirements or conditions of approval; approve or accept any portion of the developer's work; or issue instructions contrary to the requirements of the application or conditions of approval of the application. The presence of such representatives during the performance of the work and any acceptance or approval by such representatives of the Township shall not relieve the developer of responsibility for work that is later determined by the Township to be defective.
- 207.B. Authorization for Township Observation** - The construction, installation, erection, and completion of required improvements are subject to the observation and approval of the Township according to the improvements agreement, approved application and Township Standard Construction Documents. The developer shall permit the Township to observe the work, to make reasonable observation(s) and re-observations, and to perform or conduct appropriate tests. In the event that any portion of the work is backfilled or concealed prior to observation and without the consent of the Township, the developer shall, if required by the Township, uncover such work at its sole cost and expense and make the same available for observation and/or testing.
- 207.C. Township Determination** - The Township shall determine in its sole discretion, whether the required improvements comply with this Ordinance, the improvements agreement and the approved application.

Section 208 Offer and Acceptance of Dedication

- 208.A. Deemed Private Until Accepted**
1. Until such time as an offer of dedication has been accepted by the Board of Supervisors, all improvements or property shall be deemed to be private and for the benefit of the project.
 2. Dedication is not complete until it is authorized by resolution of the Board of Supervisors.
 3. The Township shall have no responsibility for such improvements or property unless and until there occurs an acceptance of an offer of dedication.
- 208.B. Procedure for Township Engineer's Review of Improvements** - Upon Township receipt of written notice from the developer indicating that the improvements are installed and ready for final inspection, the Township shall notify the Township Engineer, who shall inspect the work and determine if it is in compliance with the approved application and improvements agreement. Following the inspection, the Township Engineer shall notify the Township and developer of the results and if the Township Engineer determines that the work is complete, the developer may proceed with the dedication process. If the work is not complete, the developer shall take all necessary action to complete the improvements and notify the Township in accordance with this sub-section.
- 208.C. Requirements for Submission of an Offer of Dedication** - No offer of dedication shall be submitted unless and until:
1. All requirements of the approved application and the improvements agreement have been fulfilled;

2. The Township Engineer confirms in writing that the improvements are installed in accordance with the approved application and improvements agreement;
3. The developer provides an as-built plan in compliance with the Standard Construction Documents and including, where necessary, notes identifying all deviations from the approved plan;
4. The developer reimburses the Township for all review fees, costs, and any other sums due and owing which relate to the application;
5. The developer provides evidence of final acceptance of the improvements by all other applicable agencies;
6. The developer provides an executed maintenance guarantee to the satisfaction of the Township;
7. The developer provides a certification of clear title or other acceptable guarantees for any dedicated property; and
8. The developer provides all necessary instruments of conveyance to the satisfaction of the Township.

208.D. Standards for Conveyance

1. An interest in land or property shall be conveyed free and clear of all liens and encumbrances, for nominal consideration and by instrument approved by the Township solicitor.
2. As a condition of dedication of real property, the developer shall present a petition to the Township offering fee simple title by deed of dedication. With respect to streets, the deed shall include all real property and all improvements constructed therein, as set forth on the approved application, together with a diagram depicting the real property and improvements thereto. The deed of dedication shall be in the form of a special warranty deed and shall contain a metes and bounds description.
3. Unless otherwise authorized by the Township, all improvements shall be offered for dedication at the same time.
4. It shall be a violation of this Ordinance for any person to place or allow to be placed mechanic liens on land or improvements that are to be offered by bill of sale or otherwise conveyed to the Township.

208. E. Acceptance of Dedication – Acceptance of an offer of dedication shall be by resolution of the Board of Supervisors.

Information To Be Shown On or Submitted With Subdivision and Land Development Applications

Section 301 Sketch Plan Drafting Standards

301.A. Purpose - The submission of a Sketch Plan Application does not constitute submission of a plan for the purpose of determining approval, and is not subject to Section 508 of the MPC. No legal rights are attached to the Sketch Plan. The Sketch Plan affords the applicant an opportunity to receive recommendations and guidance from Township staff, consultants and the Planning Commission, while the project is at an early stage. The type and quality of information provided with the sketch plan has a direct nexus to the level of assistance that is provided by the Township. The Sketch Plan should be prepared accordance with the guidelines set forth in this section.

301.B. Drafting - The plan should be prepared according to the following:

1. Clearly and legibly drawn at a typical civil engineering scale and in no case may be drawn to a scale less than one hundred feet (100') to the inch.
2. Sheet size should be twenty-four inches by thirty-six inches (24"x36"), or thirty inches by forty-two inches (30"x42"). If the plan is prepared in two (2) or more sections, a key map showing the location of the sections should be placed on each sheet. If more than one (1) sheet is necessary, each sheet should be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 2). All sheets should be folded to the size of eight and one-half inches by eleven inches (8½"x11").
3. Profile sheets should include the horizontal alignment of required improvements, utilities and stormwater facilities located in a given area on the same sheet to show their interrelationship.

301.C. Project Identification and Location Data - Where appropriate, the plan should include the following:

1. Proposed project name or identifying title;
2. Name of the municipality in which the project is located and if in the vicinity of a municipal boundary line, identify the location of the boundary line;
3. Location map, drawn to a scale that clearly identifies the relationship of the property to at least two (2) intersections of existing street centerlines;
4. Name (if a corporation, partnership, etc. provide the full legal name, type of entity, State of registration/incorporation and address (if a Post Office Box also provide a physical address of the following:
 - a. Owner;
 - b. Applicant;
 - c. Authorized agent for the owner and applicant, if any; and
 - d. Firm that prepared the plans.

5. Source of title to the land, as shown in the office of the Lehigh County Recorder of Deeds, and if the property is subject to an equitable ownership, the name, address of the owner, and equity agreement should be identified;
6. Names of all landowners, and names/plan book record numbers of the last recorded plans for property located within two hundred feet (200') of the subject property;
7. Street address and Parcel Identification Number (PIN) assigned to the property by the Lehigh County Tax Assessment Office;
8. Plan date and date(s) of all plan revisions;
9. North arrow, graphic scale and written scale;
10. Total acreage of the existing subject property;
11. Zoning Ordinance District designation for the subject property and surrounding property;
12. Relevant Zoning District requirements for the subject property;
13. Date of decision, relief granted, and conditions imposed for any existing waivers, variances, special exceptions, conditional uses, existing nonconforming structures/uses, and previous conditions of plan and other regulatory approvals that are applicable to the plan and property;
14. Proposed land use, total proposed number of lots, number of units of occupancy, density, minimum lot size, lot coverage, building coverage, type of sanitary sewage disposal, type of water supply, and if applicable, name of authority providing sanitary sewage disposal and/or water supply;
15. Building setback lines, with distances from the property and street right-of-way;
16. Buildings and other improvements to be demolished, and the construction sequence thereof;
17. Approximate lot line dimensions and lot areas for proposed lots;
18. Lots numbers for proposed lots in consecutive order;
19. Lands to be dedicated or reserved for public or private use; and
20. Vertical aerial photograph enlarged to a scale not less detailed than one inch equals four hundred feet (1"=400'), with the tract boundaries clearly marked.

301.D. Existing Features - The following existing features should be identified on the plan, when located on the subject property or within two hundred feet (200') thereof:

1. Topography - Existing contours, at a minimum vertical interval of two feet (2') for land with average natural slope of ten percent (10%) or less, and at a minimum vertical interval of five feet (5') for more steeply sloping land. Contours should be accompanied by the location of the benchmark within or immediately abutting to the subject property and a notation indicating the datum used. Contours plotted from the Lehigh County Geographic Information System mapping may only be used for plans which require no new streets, drainage swales, or other public improvements. Ridgelines and watershed boundaries should be identified.
2. Existing Land Use - All existing land uses on the subject property and adjoining properties, including across the street.

3. Natural and Cultural Features - As applicable, the information required by the Natural and Cultural Features Site Plan and Report prepared according to Article 5 of the Zoning Ordinance.
4. Man-Made Features - All existing man-made features such as streets, access drives, driveways, alleys, farm roads, abandoned/paper roads, street signs/traffic controls, parking/loading facilities, pedestrian-ways, buildings, foundations, walls, wells, drainage fields, utilities, fire hydrants, walls, bus stops, street furniture, lighting fixtures, refuse collection stations, quarries, above and below ground utilities, stormwater management facilities, domestic water supply, and sanitary sewers.
5. Open Space/Recreation - Location of areas that have been in public use, including, but not limited to, pedestrian, equestrian and bicycle trails.
6. Encumbrances - All easements and any other restrictions or encumbrances which are filed of record with the Lehigh County Recorder of Deeds for facilities such as stormwater, sanitary sewer, water supply, electric, telecommunication or telephone transmission line, gas pipeline, or petroleum products transmission line.

301.E. Proposed Features - The plan should identify the location of all proposed features and alteration of features that are included with the application. Proposed features include the following:

1. Access drives, driveways, and alleys;
2. Buildings and conceptual building locations;
3. Utilities including but not limited to sanitary sewer, water and stormwater;
4. Landscaping;
5. Lighting;
6. Off-street loading;
7. Parking facilities;
8. Refuse collection stations;
9. Sidewalks and pedestrian paths;
10. Streets;
11. Rights-of-way and easements for all purposes;
12. Recreational facilities and open space features;
13. Streams, ponds, streamside buffers, and other watercourses;
14. Proposed names for new streets, pavement markings, and traffic control devices; and
15. Location of each land use, if several types of uses are proposed.

Section 302 Preliminary/Final Plan Drafting Standards

302.A. General - The Preliminary/Final Plan Application shall be prepared by an engineer, land surveyor, landscape architect and/or other individuals registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by a land surveyor. The Preliminary/Final Plan shall show, be accompanied by and be prepared in accordance with the standards set forth in this Section.

302.B. Drafting - The plan shall be prepared according to the following:

1. Clearly and legibly drawn at a typical civil engineering scale and in no case may be drawn to a scale less than one hundred feet (100') to the inch.
2. Sheet size shall be twenty-four inches by thirty-six inches (24"x36"), or thirty inches by forty-two inches (30"x42"). If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 2). All sheets shall be folded to the size of eight and one-half inches by eleven inches (8½"x11").
3. Plan sheets shall be titled by the type of information being provided (e.g., cover sheet, existing conditions and demolition plan, easement plan, grading and drainage plan, landscape plan, lighting plan, overall site plan, soil erosion and sediment plan, utility plan).
4. Profile plans shall maintain a ration of 1:5 or 1:10 vertical to horizontal. Profile plans shall identify the vertical and horizontal alignment for each proposed street, stormwater management facility, sanitary sewer facility, and water distribution facility, and shall include:
 - a. Vertical and horizontal alignment on the same sheet;
 - b. Utility structure identification numbers;
 - c. Vertical street alignment;
 - d. Existing (natural) and proposed grades along the street centerline;
 - e. Proposed street grades at the curb line within street intersections and within the turnaround of cul-de-sacs; and
 - f. Such other information as required by the Township.

302.C. Project Identification and Location Data - Where appropriate, the plan shall identify the following data:

1. Proposed project name or identifying title;
2. Name of the municipality in which the project is located and if in the vicinity of a municipal boundary line, identify the location of the boundary line;
3. Location map, drawn to scale, that clearly identifying the relationship of the property to at least two (2) existing named street centerlines;
4. Name and address of the following:
 - a. Owner;

- b. Applicant;
- c. Authorized agent for the owner and applicant, if any; and
- d. Firm that prepared the plans.

If the name is not a person (e.g., corporation, partnership), the information shall include the full legal name, type of entity, State of registration/incorporation, and address (not Post Office Box) of the principal office;

5. Source of title to the land, as shown in the office of the Lehigh County Recorder of Deeds, and if the property is subject to an equitable ownership, the name, address, and equity agreement shall be identified;
6. Names of all landowners, and the name and plan book record numbers of the last recorded plans for property located within two hundred feet (200') of the subject property;
7. Street address and Parcel Identification Number (PIN) assigned by the Lehigh County Tax Assessment Office;
8. Plan date and date(s) of all plan revisions;
9. North arrow, graphic scale and written scale;
10. For property located within two hundred feet (200') of the subject property, the name of each landowner, Parcel Identification Number (assigned by the Lehigh County Tax Assessment Office), and if applicable, the name and plan book record number of the last recorded plan;
11. Vertical aerial photograph that reflects the current surrounding conditions at a scale not less than four hundred feet (400') to the inch; and
12. Such other information as required by the Township.

302.D. Existing Features - The plan shall identify the following features when located on or within two hundred feet (200') of the subject property. The Township may require the applicant to provide this information beyond the prescribed area when the item affects the property.

1. Property Boundaries - Lot lines, street right-of-way and easement lines with distance and bearings. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000'). If the landowner retains a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed-plotting and may be drawn at any legible scale.
2. Topography - Existing contours, at a minimum vertical interval of two feet (2') for land with average natural slope of ten percent (10%) or less, and at a minimum vertical interval of five feet (5') for more steeply sloping land. Contours shall be accompanied by the location of the benchmark within or immediately abutting to the subject property and a notation indicating the datum used. Ridgelines and watershed boundaries shall be identified.
3. Official Map - Areas reserved for public use as depicted on the Official Map of Upper Saucon Township.

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4. Natural and Cultural Features – Areas with natural and cultural features as required in the Site Plan and Report prepared according to the Zoning Ordinance. Natural and cultural features include but are not limited to:
 - a. Floodplains;
 - b. Riparian buffers;
 - c. Wetlands;
 - d. Wetland buffers;
 - e. Steep slopes;
 - f. Carbonate geologic features;
 - g. Woodlands;
 - h. Wellhead protection overlay zones;
 - i. Historic structures;
 - j. Pennsylvania natural diversity inventory sites (PNDI);
 - k. Area of suspected archaeological significance;
 - l. Individual soil type;
 - m. Watercourses (e.g., creek, stream, spring, pond);
 - n. Rock outcrops;
 - o. Other significant and/or scenic geologic features; and
 - p. Such other information as required by the Township.

 5. Man-Made Features – Existing man-made features, and any other information deemed necessary by the Township:
 - a. Streets including pavement limits, pavement markings, traffic control devices, names, and bus stops;
 - b. Access drives including pavement limits, pavement markings, traffic control devices, and names;
 - c. Alleys including pavement limits, pavement markings, and traffic control devices;
 - d. Driveways;
 - e. Sidewalks and pedestrian-ways;
 - f. Buildings;
 - g. Off-street parking areas including pavement limits, pavement markings and traffic control devices;

- h. Off-street loading area improvement including pavement limits, pavement markings and traffic control devices;
 - j. Stormwater management improvements and easements for stormwater conveyance and storage facilities including size, elevations, types of material and manhole locations and service connections;
 - k. Water and sanitary sewer systems including manhole locations and invert elevations, size, types of materials pipe locations, grade and size, valves, service connections, and fire hydrants;
 - l. Other utility and communication transmission line;
 - m. Outdoor lighting fixtures;
 - n. Surface waters (e.g. swimming pools, ponds and other watercourses);
 - o. Survey monuments and markers; and
 - p. With respect to all of the above, all necessary dimensions and specifications.
6. Open Space/Recreation - Area(s) and improvements that are in public use, including, but not limited to, parks, athletic fields, pedestrian, equestrian and bicycle trails.
 7. Encumbrances - All easements and any other restrictions or encumbrances which are filed of record with the Lehigh County Recorder of Deeds for facilities such as stormwater, sanitary sewer, water supply, electric, telecommunication or telephone transmission line, gas pipeline, or petroleum products transmission line.
 8. Other - Such other information as required by the Township.

302.E. Proposed Features – The plan shall identify the location and construction specifications for all proposed features and alteration of features that are included with the application. Proposed features including the following:

1. Lot lines, street centerline, street right-of-way and easement lines with dimensions in feet and decimals; bearings shall be in degrees, minutes and seconds. Descriptions shall read in a clockwise direction. The description shall not have an error of closure greater than one foot (1') in ten thousand feet (10,000'). If the landowner retains a single lot with a lot area in excess of ten (10) acres, the boundary of that lot, if permitted by the Township, may be identified as a deed-plotting and may be drawn at a legible scale.
2. Street improvements and rights-of-way including pavement limits, pavement markings, traffic control devices, name, furniture and bus stops;
3. Typical cross-section of the entire street right-of-way for each proposed street and existing street that are proposed for modification. A cross-section for improvement to an existing street shall be provided for each fifty foot (50') station location, unless otherwise specified by the Township;
4. Access drive improvement including pavement limits, pavement markings, traffic control devices, name, furniture and conceptual design of future access drive improvements and a conceptual design of future access drives for subdivision plans when required by the Township required;
5. Alley improvement and right-of-way including pavement limits, pavement markings, and traffic

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- control devices;
6. Driveway improvement and conceptual design of future driveway improvement when required by the Township for subdivision plans;
 7. Sidewalk and pedestrian-way improvement and right-of-way (if applicable);
 8. Building setback lines, isolation distances and other restriction lines with dimensions;
 9. Buildings and other improvements to be demolished with construction sequence for demolition;
 10. Buildings and conceptual locations of future buildings when required for subdivision plans;
 11. Off-street parking areas including pavement limits, pavement markings and traffic control devices;
 12. Off-street loading areas including pavement limits, pavement markings and traffic control devices;
 13. Grading and first floor elevation of all buildings;
 14. Stormwater management improvements and easements for stormwater conveyance and management facilities including size and types of materials, manhole and pipe locations, etc.;
 15. Public and on-lot water and sanitary sewer systems including manhole locations and inverts, size and type of material, pipe locations, grade and size, valves, service connections, fire hydrants, wells, on-lot sewage disposal systems sites, rights-of way, easements and all other details required by the Township and Authority specifications, rules and regulations;
 16. Other utility and communication transmission lines and rights-of-way;
 17. Landscaping and detailed specifications;
 18. Outdoor lighting plan identifying outdoor lighting fixtures and illumination levels;
 19. Surface waters (e.g. swimming pools, ponds and other watercourses);
 20. Location and area of lands to be dedicated or reserved for public or private use;
 21. Open space areas and recreation areas and with respect to both, the required improvements to be construction thereon;
 22. Survey monuments and markers including a note that all monuments and lot line markers are set or indicating when they will be set;
 23. Rights-of-way and easements for areas that are proposed for restrictions and encumbrances including a plan note identifying the purpose, property rights and obligations area; and
 24. Areas and facilities intended for dedication or sale to the Township or other public entity (ex., streets, utilities and other public property).
 25. Such other information as required by the Township.

302.F. Plan Notes – The plans shall include the following notes and any other information deemed necessary by the Township.

1. Plan notes as specified in the Standard Plan Notes (available at the Township) and other information including but not limited to:
 - a. Access to State highway;
 - b. Planning Commission signature block;
 - c. Board of Supervisors signature block;
 - d. Certificate of ownership, acknowledgement of plan and offer of dedication;
 - e. Engineer's/surveyor's certification;
 - f. Lehigh Valley Planning Commission signature block;
 - g. Plan sheet index;
 - h. Zoning data;
 - i. Site data;
 - j. Wetland note;
 - k. Stormwater management notes and
 - l. General plan notes.
2. A listing of all required outside agency permits and approvals.
3. Rights and responsibilities for proposed easements and rights-of-way that are not offered for dedication to the Township or other government agency.
4. Description of existing waivers, variances, special exceptions, conditional uses, nonconforming structures/uses, and other regulatory permits and approvals applicable to the property, including date of decision, relief granted, and conditions imposed.
5. Proposed relief that is necessary for the subject plan (e.g., waiver, variance, special exception, conditional use).
6. Developer's representation that to the best of its knowledge:
 - a. The project complies with and is not in violation of any applicable statutes, rules, regulations, ordinances, or orders of any governmental entity relating to hazardous wastes or substances with regard to the ownership or operation of the property;
 - b. The project has not received any request for information, notice of claim, demand or notification that it is or may be potentially responsible concerning any investigation or cleanup of any threatened or actual release of any hazardous wastes or substances at, on, about or under the property;
 - c. The Township has not become an owner or operator with respect to the property within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980, by virtue of holding any easement or right-of-way shown on this plan; and

Section 303 Preliminary Plan Drafting Standards

- 303.A. General** - The Preliminary Plan Application shall be prepared by an engineer, land surveyor, landscape architect and/or other individuals registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. The plan shall show, be accompanied by, or be prepared in accordance with, the standards set forth in this Section.
- 303.B. Drafting** - The same standards as required for a Preliminary/Final Plan in Section 302.B.
- 303.C. Project Identification and Location Data** - The same standards as required for a Preliminary/Final Plan in Section 302.C.
- 303.D. Existing Features** - The same standards as required for a Preliminary/Final Plan in Section 302.D.
- 303.E. Proposed Features** - The same standards as required for a Preliminary/Final Plan in Section 302.E.
- 303.F. Plan Notes** – To the extent applicable, the same standards as required for a Preliminary/Final Plan in Section 302.F.

Section 304 Final Plan Drafting Standards

- 304.A. General** - The Final Plan Application shall be prepared by an engineer, land surveyor, landscape architect and/or other individual registered in the Commonwealth of Pennsylvania to perform such duties. Land surveyors shall prepare metes and bounds descriptions. The Final Plan shall show, be accompanied by, or be prepared in accordance with the standards set forth in this Section.
- 304.B. Drafting** - The same standards as required for a Preliminary/Final Plan in Section 302.B.
- 304.C. Project Identification and Location Data** - The same standards as required for a Preliminary/Final Plan in Section 302.C.
- 304.D. Existing Features** - The same standards as required for a Preliminary/Final Plan in Section 302.D.
- 304.E. Proposed Features** - The same standards as required for a Preliminary/Final Plan in Section 302.E.
- 304.F. Plan Notes** - The same standards as required for a Preliminary/Final Plan in Section 302.F.

Section 305 Required Plans, Reports, Studies, and Other Information

- 305.A. General** – When applicable, the applicant shall submit the following plans, reports and studies and other information.
1. Future Concept Plan – A future development scheme is required when, in the opinion of the Township, the application significantly impacts the undeveloped portion of the property which is the subject of the application. A future concept plan shall be drawn to the standards of a sketch plan. Such scheme shall not be considered part of the plan approval.
 2. Phase 1 Environmental Site Assessment - A Phase 1 Environmental Site Assessment shall be provided when, in the opinion of the Township, site conditions warrant. The assessment

shall conform with the scope and limitations of the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessment Process (ASTM E-1 527-05) as subsequently amended, and United States Environmental Protection Agency (U.S. EPA) Title 40 Code of Federal Regulations Part 312, Standard Practices for All Appropriate Inquiries (40 CFR Part 312) as subsequently amended.

3. Stormwater Management Report - Stormwater management plans and reports, prepared in accordance with the Township Stormwater Management Ordinance shall be submitted in accordance with that Ordinance.
4. Vehicle Turning Template Plan - AASHTO vehicle turning templates are required for each intersection of streets, access drives, alleys, off-street parking area and vehicle loading area. The applicant shall coordinate vehicle turning movements with the appropriate emergency response personnel. Turning templates for the design vehicles shall be used to demonstrate the adequacy of the design. Vehicles shall not encroach into other lanes or impede safe flow of traffic. Standard design vehicles are as follows:
 - a. Residential Access: AASHTO Type "P" vehicle;
 - b. Multi-Family Residential Access: AASHTO Type "SU" vehicle; and
 - c. Commercial Access: AASHTO Type "SU" vehicle, unless proposed facility warrants use of a larger design vehicle. Facilities serviced by larger vehicles shall be designed for the AASHTO Type "WB-62" with a regular cab tractor, unless the Applicant verifies that an alternate design vehicle is applicable.
5. Traffic Impact Study
 - a. A Traffic Impact Study shall be submitted for every plan which involves one or more of the following:
 - i. Generation of greater than five hundred (500) new, daily average, weekday average vehicle trips (total of inbound and outbound);
 - ii. Generation of fifty (50) or more new AM or PM peak hour trips during the peak hour of the adjacent streets or of the development;
 - iii. Traffic conditions in the local area including but not limited to high accident locations, confusing intersections, congested intersections, etc;
 - iv. Questionable capacity of the existing road system to handle increased traffic; and
 - v. The Zoning Ordinance requires a Traffic Impact Study.
 - b. The Traffic Impact Study shall be prepared in accordance with PENNDOT Publications and Procedures for Transportation Impact Studies, Publication 46 Traffic Engineering Manual, and Institute of Transportation Engineers' (ITE) Recommended Practice "Transportation Impact Analyses for Site Development".
 - c. Area and Scope of Traffic Impact Study - The Traffic Impact Study area and scope shall be based on the characteristics of the surrounding area and the impact of the plan on the area. The intersections to be included in the Study shall be adjacent to the site or have direct impact upon the access to the site. Prior to initiation of the study, the area and scope shall be mutually agreed upon between the Township Engineer and the traffic engineer preparing the Study.

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- d. Preparation by Transportation Engineer Required - The Traffic Impact Study shall be prepared by a Professional Engineer registered in Pennsylvania with specific training in traffic and transportation engineering, at least four (4) years experience related to preparing traffic studies for existing or proposed developments, and sufficient prior traffic study experience to qualify the engineer to render any opinions and recommendations in the study.
 - e. Horizon Year - The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build-out and occupancy. The horizon year in the remainder of this Ordinance, and shall be a minimum of five (5) years after the opening year.
 - f. Traffic Data, Projections and Analysis Periods
 - i. Traffic data used in the Study shall not be more than one (1) year old.
 - ii. Estimates of non-site traffic shall be made, and will consist of traffic generated by all other developments within the study area for which Preliminary and/or Final Plans have been approved and traffic from background traffic growth in and around the study area. Traffic generated by other development for which an application has been submitted but not yet approved shall be included at the discretion of the Township. Non-site traffic may be estimated using the “build-up” technique, or, by way of area transportation plan data or modeled volumes. Background growth compounded annually shall be established using the growth rates from PENNDOT.
 - iii. Analyses shall be conducted for the AM and PM peak hour periods. If the study area includes an intersection on an arterial roadway, or if the proposed development includes retail related uses, then the Saturday peak hour period shall also be analyzed. Where the peak hour of the generator does not coincide with the peak hour of the adjacent street, then the peak hour(s) of the generator shall also be analyzed.
 - g. Trip Generation Rates Required
 - i. The Traffic Impact Study shall include a table showing the land uses and codes as defined by ITE and quantities of each land use, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of trips, including entering, exiting and total trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the Study. The anticipated types and volumes of truck traffic using the site shall be identified.
 - ii. All trip generation calculations shall be based on the methodologies as published in ITE’s “Trip Generation Handbook” or as mutually agreed between the Township Engineer and the traffic engineer preparing the Study.
 - h. Consideration of Pass-By or Shared Trips - If pass-by trips or shared trips are a major consideration for the land use in question, calculations of pass-by and/or shared trips shall be based on published rates as identified in ITE’s “Trip Generation Handbook”.
 - i. Rate Sums - Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the Study.
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- j. Explanations Required - The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the Study.
- k. Definition of Influence Area
- i. Prior to trip distribution of site-generated trips, an influence area must be defined which contains eighty percent (80%) or more of the trip ends that will be attracted to the development. A market study may be used to establish the limits of an influence area, if available. If no market study is available, an influence area shall be determined based on a reasonably defined market area. The influence area may also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.
 - ii. 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, may be used in place of the influence area to delineate the boundaries of the impact.
- l. Estimates of Trip Distribution Required
- i. Trip distribution shall be estimated using analogy, trip distribution model, or surrogate data.
 - ii. Whichever method is used, trip distribution must be estimated and analyzed for the horizon year and must be justified in the study. A multi-use development may require more than one distribution and coinciding assignment for each phase (e.g., residential and retail phases on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.
 - iii. The methodology for determining trip distribution shall be mutually agreed upon between the Township Engineer and the traffic engineer preparing the Study.
- m. Trip Assignments
- i. Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths shall 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 projects 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 shall be used to obtain realistic driveway volumes. The assignment shall reflect conditions at the time of the analysis. Assignments may be accomplished either manually or with applicable computer models.
 - ii. If a thorough analysis is required to account for pass-by trips, such analysis shall determine the percentage of pass-by trips in the total trips generated using *methodology*; estimate a trip distribution for the pass-by trips ;perform two separate trip assignments, based on the new and pass-by trip distributions; and combine the pass-by and new trip assignment.

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- iii. Upon completion of the initial site traffic assignment, the results shall be reviewed to determine if the volumes appear logical, given characteristics of the road system and trip distribution. Adjustments shall be made if the initial results do not appear to be logical or reasonable.
 - iv. The methodology for determining trip assignments shall be mutually agreed upon between the Township Engineer and the traffic engineer preparing the Study.
 - n. Total Traffic Impacts - Traffic estimates for any site with current traffic activity shall reflect not only 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 number of trips to be subtracted for the existing use shall be based on actual counts. The Traffic Impact Study shall clearly depict the total traffic estimate and its components.
 - o. Analysis
 - i. Traffic analyses shall be completed for the existing conditions and opening day/build-out year and horizon year, both without and with development. Analyses may consider proposed roadway improvements only if said improvements have committed funding.
 - ii. Capacity analysis shall be performed at each of the major street and project site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses shall 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.
 - iii. The recommended level of service analysis procedures detailed in the most recent edition of the Highway Capacity Manual shall be followed. The operational analyses in 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.
 - iv. Where a Level of Service (LOS) "F" results, the associated delay shall be noted in the study. Existing peak hour factors and site specific truck and roadway grade percentages shall be utilized.
 - v. Traffic Signal Warrant analyses evaluating all warrant criteria shall be completed for each unsignalized intersection which is shown to have an approach operating at an LOS "E" or "F."
 - vi. Where traffic signals exist or are proposed, analyses of the need for signalized left-turn phases shall be completed in accordance with PENNDOT Publication 149.
 - vii. Queue length analyses shall be completed for each lane group. The need for acceleration and deceleration lanes shall be presented in the study. The need for right- and left-turn lanes shall also be evaluated. For both signalized and unsignalized intersections, PENNDOT Publication 46 shall be used as the basis for determining the need and required lengths for said lanes.
 - viii. Accident data for the most recent three-year period shall be presented and analyzed for trends, type of accidents and causation factors.

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- p. Required Levels of Service - The Study shall identify the improvements necessary to meet the goals thereof and the applicant shall be responsible to make all improvements required by law.
6. Park and Recreation Study - A Park and Recreation Study shall be prepared for developments that generate the demand for greater than two (2) acres of park and/or recreation under Section 522 of this Ordinance, whether or not there is an offer of dedication. The Park and Recreation Study shall be prepared by a Certified Park and Recreation Practitioner (CPRP) with the following minimum considerations:
- a. Description of the total projected number of residents in their respective age groups;
 - b. Description of those existing public recreation facilities located within a one-half mile radius of the site;
 - c. Description of the adequacy of existing recreation facilities to serve the proposed residents, taking into consideration current usage;
 - d. Analysis of potential for any recreation facilities to be provided by the applicant to accommodate new residents and/or compensate for any anticipated deficiencies of the Township's recreational facilities;
 - e. Description of any recreation facilities to be provided by the applicant;
 - f. Analysis on the relationship of the proposal to the programs of the Township Park and Recreation Commission;
 - g. Description of responsibility for maintenance of any recreational facilities to be provided by the applicant;
 - h. Description of accessibility of the proposed facilities to general Township residents;
 - i. Description of any contributions in accordance with Section 522 of this Ordinance that the applicant plans to make for Township recreation to compensate for expected impacts; and
 - j. Source of standards used in the data presented.
7. Natural and Cultural Features - A plan of natural and cultural features, prepared according to the Zoning Ordinance, is required.
8. Fiscal Impact Report - When, in the opinion of the Township the development may generate a significant impact to the current fiscal characteristics of the Township and/or School District, a fiscal impact report shall be submitted. The purpose of the report is to compare the public costs and public revenues associated with the development and shall analyze the impact on the following:
- a. Education;
 - b. Public Works (e.g., roads, sanitary sewer, water supply, drainage systems);
 - c. Fire and Emergency Medical Services;
 - d. Police and other Township services;

9. Water Resources Impact Report – A Water Resources Impact Report is required when in the opinion of the Township, the development may generate a significant impact to water resources. The purpose of the study is to determine if there is an adequate water supply to serve the proposed use, and to estimate the impact of the additional water use on existing nearby wells, underlying aquifers, and surface water bodies.
- a. The Report shall be prepared by a qualified professional. The analysis shall include the following:
 - i. Calculations of the projected water needs using the criteria set forth in Public Water Supply Manual, Bureau of Water Quality Management, Publication Number 15, PA DEP, Harrisburg, PA and Guide for Determination of Required Fire Flow, by the Insurance Services Office (ISO) as modified;
 - ii. Geological map of the area within a one (1) mile radius of the property;
 - iii. Location of all closed depressions, faults, lineaments, fracture traces, ghost lakes, sinkholes, caverns, underground shafts, etc., within one-quarter ($\frac{1}{4}$) mile of the property;
 - iv. Location of all existing and proposed wells within one-quarter ($\frac{1}{4}$) mile of the site and of all large withdrawal wells ten thousand (10,000) gallons per day or greater within one (1) mile of the property;
 - v. Location of all existing and proposed on-lot septic systems within one-quarter ($\frac{1}{4}$) mile of the property;
 - vi. Location of all streams, perennial and intermittent, and all known point and non-point sources of pollution within one-quarter ($\frac{1}{4}$) mile of the site;
 - vii. Description of the aquifer characteristics underlying the site and their long-term drought recharge capability based on site-specific investigation. Analysis is not required to perform pumping tests and may base the discussion of long-term drought recharge capability on accepted published data;
 - viii. Based on the drought recharge capability and the calculated daily groundwater withdrawals of the project, a hydrologic budget shall be estimated for the property itself and for the area within a one-quarter ($\frac{1}{4}$) mile radius of the site;
 - ix. A determination, aided by the results of the hydrologic budget, of whether the potential exists for adverse effects on the hydrologic environment by the proposed subdivision or land development; and
 - x. A statement of qualifications of the person(s) preparing the study.
 - b. In addition to the above, developments proposing to construct a public water supply and distribution system shall follow regulations outlined in the Pennsylvania Department of Environmental Protection (DEP) Public Water Supply Manual, Part II Community Design Standards, latest edition, along with the American Water Works Association (AWWA) Standard for Water Wells, ANSI/AWWA A 100, latest edition, as referenced in the DEP Manual. All aspects of the construction, testing and sampling of a new water supply shall be as directed by a professional acceptable to the Township. A DEP-certified laboratory shall collect and analyze samples for all parameters required by DEP for new-sources. To supplement requirements of DEP and AWWA:
 - i. During the test, a representative number of existing wells within a $\frac{1}{2}$ -mile radius

- of the proposed well shall be monitored for changes from the static water level. If existing wells are not available, a sufficient number of monitor wells shall be constructed at locations directed by DEP or the Township's hydrogeological consultant. If monitor wells are drilled, the applicant shall provide to the Township perpetual easements allowing the Township access for continuing monitoring of water levels; and
- ii. Discharge during testing shall be directed away from the site by a method and to a point acceptable to the Township. Flooding on adjacent properties shall be avoided, and adequate erosion and sedimentation controls shall be implemented.
 - c. A comprehensive report shall be issued to the Township for review by its hydrogeological consultant and DEP. The report shall include all data required to obtain a Public Water Supply Permit from DEP, including:
 - i. A topographic plan showing locations of the proposed well(s) and monitor wells;
 - ii. All drilling, testing and sampling data;
 - iii. Analysis and interpretation of the data related to the impact on the groundwater supply and existing wells;
 - iv. Conclusions drawn from the analysis related to the appropriateness of the site for the proposed well; and
 - v. Credentials of the professional preparing the report.
 - d. Applications to DEP for a Public Water Supply Permit, and to Delaware River Basin Commission (DRBC) for approval of groundwater withdrawal, shall be in the name of Upper Saucon Township, which shall be the contact for inquiries from those agencies.
10. **Additional Studies and Reports** - The Township may require the applicant to prepare studies, data and reports that address the proposal's coordination with the existing facilities necessary to service the development and Township according to the standards of this Ordinance, or to the level of service that existed prior to the development.

305.B. Other Information - Prior to application approval, and where applicable, the application shall include the following information.

1. Current deed for the subject property;
2. Controlling agreements for easements and rights-of-way that are not offered for dedication to public use;
3. Controlling agreements from adjacent property owners where the natural drainage discharge is altered;
4. When sewage disposal service is individual on-lot sewage disposal systems, documentation as to the feasibility of on-lot sewage disposal systems;
5. When sewage and/or water service is to be provided by a public system, notice from the agency, authority, or utility which states that it can adequately serve the development; and
6. Proposed deed restrictions and other covenants.

305.C. Prerequisite to Recording – The following requirements must be satisfied prior to recording:

1. Fully executed subdivision and land development Improvements Agreement;
2. Fully executed easement agreements in favor of the Township; and
3. All required outside agency permits and approvals.

Section 306 Lot Line Adjustment Plan Application

The Lot Line Adjustment Plan Application shall be prepared according to the Final Plan standards in Section 304.

Section 307 Revised Final Plan Application

The Revised Final Plan Application shall be prepared according to the Final Plan standards in Section 304.

Article 4

Reimbursable Fees, Developer's Expense Escrow Account, Improvements Agreement, Financial Security and Maintenance Guarantee

Section 401 General

- 401.A. Compliance with Ordinance** - No project shall be considered in compliance with this Ordinance until the developer constructs and installs all required improvements according to the approved plan, Township resolution of approval, improvements agreement, permits, and all applicable laws, ordinances, and resolutions including, but not limited to, those relating to review fees, inspection fees, and security.
- 401.B. Developer's Responsibility** - The developer shall pay all costs connected with the design, acquisition of materials, acquisition or interest in lands, installation of required improvements, cost of dedication related to improvements, and Township fees. The developer shall obtain and maintain in full force and effect all required approvals and permits. The developer shall comply with all resolutions relating to payment of consultant review fees and maintain a developer's expense escrow account.
- 401.C. Required Submission** - The developer of projects that include required improvements shall provide the Township, and where relevant the Township Authorities, an up-to-date expense escrow, executed improvements agreement and, as necessary, financial security as required by the Township. With an offer of dedication, the developer is required to provide dedication documents, easement documents, bills of sale, and maintenance guarantee.
- 401.D. Start of Construction** - Unless authorized by the Township, no work shall commence until the developer complies with Section 206.
- 401.E. Private Work** - Work to be executed by the developer pursuant to the approved plan or improvements agreement shall not be considered "Public Work" within the meaning of the Pennsylvania Prevailing Wage Act, and funds received by the Township from security established pursuant to this Ordinance shall not be considered "funds of a public body." The bidding requirements of the Second Class Township Code shall not apply.
- 401.F. Security for Utilities** - Financial security as otherwise required by this Article does not apply to sanitary sewer and water supply facilities that are:
1. Installed under the jurisdiction and pursuant to the rules and regulations of a public utility or an Authority other than the Township Authorities, and
 2. Subject to financial security to assure proper completion, and maintenance thereof is posted in accordance with the regulations of the controlling public utility or Authority,
- 401.G. Security for State Routes** - Financial security as otherwise required by this Article does not apply when financial security is required by, and provided to, PENNDOT 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) known as the "State Highway Law".

- 401.H. Developer Default** - Where required improvements have not been properly or timely completed, or where the developer otherwise breaches any of the terms and conditions of the improvements agreement; the Township may claim against the financial security posted by the developer and undertake to install, construct, erect and/or complete such portions of the improvements as are then not completed, repaired or replaced as well as any portions of the improvements deemed defective or deficient, or otherwise cure the developer's default or breach. The Township may use the security to pay for all costs (including fees for engineers, attorneys and other necessary consultants) incurred in identifying, inspecting, enforcing and completing the developers obligation. To complete the work, the Township may do some or all of the work using its own labor force (and reimburse itself for all of the direct and indirect costs thereof including, but not limited to, employee wage and benefits costs, insurances, and engineering, legal and consulting fees) and/or may contract directly with third parties. The Township shall not be required to bid any work, and the developer shall become immediately responsible to pay to the Township any deficiency incurred as a result of the default or breach. The Township shall retain all other rights and remedies to secure compliance with the conditions of approval, the terms of the improvements agreement and completion of the work.
- 401.I. Violations of Improvements Agreement** – In addition to any other remedies at law or equity, any violation of this Article, including the terms of any improvements agreement shall be subject to the penalties and remedies afforded by the MPC.

Section 402 Reimbursable Fees

- 402.A. General Requirements** - The developer shall provide an escrow account at the time an application for subdivision or land development is filed with the Township. The escrow account is for reimbursement to the Township for consultant review fees and other associated cost and fees relating to the project. The escrow account shall comply with the provisions of the approved Township resolution. The escrow account shall be held in the name of, and be administered by, the Township for payment of all costs incurred by the Township and to be reimbursed by the developer pursuant to this Ordinance. The account shall be irrevocable and the funds may not be withdrawn or reduced in amount by other than the Township.
- 402.B. Duty to Replenish** - At such time as the funds held in the escrow account are depleted by one-half (1/2) prior to project close-out, the developer shall deposit into the escrow account additional funds as shall be determined by the Township, not to exceed the original escrow amount. Such funds shall be provided to the Township within ten (10) business days of the date of the Township's written request for same. Any failure of the Township to notify the developer of a deficiency in an escrow account or any failure to demand escrow account replenishment, shall not constitute a defense to, or waiver of, any claim by the Township to be reimbursed for fees paid or incurred by the Township in connection with the review, observation, and comment on the developer's application, and construction of the required improvements contemplated by the developer's application.
- 402.C. Developer Responsibility to Reimburse Township** - In accordance with the MPC and any improvements agreement, the developer shall reimburse the Township for all professional consultant review fees as herein defined. No construction contemplated by a plan shall commence and no recording of a plan shall occur until all consultant review fees paid or incurred by the Township are reimbursed by the developer.

- 402.D. Other Reimbursable Fees** – In addition to consultant review fees, the developer shall pay or reimburse to the Township administrative document processing, notary fees, recording fees, and such other fees as may occur.
- 402.E. Payment Schedule** - No construction of required improvements contemplated by an application shall commence and no recording of a Plan shall occur until all fees paid or incurred by the Township are paid by the developer in accordance with this Ordinance, applicable resolutions and/or the improvements agreement, as applicable.
- 402.F. Expense Escrow Account** - Following application approval and as a condition of recording the Plan, in order to fund and secure the developer's obligations, the developer shall enter into an appropriate agreement with the Township and a developer's expense escrow account pursuant to Section 403 of this Ordinance.
- 402.G. Interest Charged on Unpaid Fees** - In the event that the Township issues an invoice for charges in excess of the existing escrow account balance, in addition to the obligation to replenish the escrow account, the developer shall pay all sums due and owing as reflected on the invoice within thirty (30) calendar days of the date thereof. Thereafter, the unpaid balance of fees shall incur interest at the rate of one and one-half percent (1.5%) per month, not to exceed eighteen percent (18%) per annum (not compounded).
- 402.H. Failure to Pay Fees and Maintain Funds** - A failure by the developer to timely replenish an escrow account or to pay the Township's bill for consultant review fees may in the sole discretion of the Township result in the imposition of any or all of the preventive remedies found in Section 515.1 of the MPC, and/or the issuance of a "Stop-Work Order." In addition to these remedies the Township shall retain the right to initiate and prosecute actions at law or in equity to obtain payment and/or reimbursement of consultant review fees. In the event that the Township shall initiate suit to recover consultant review fees, the Township shall be entitled to claim and recover all costs, witness fees, expert witness fees and reasonable attorney fees relating to the prosecution of the claim.
- 402.I. Fee Disputes** - If, in accordance with the requirements of the MPC, a developer disputes the reasonableness or necessity of a consultant review fee, any appeal taken and perfected shall not stay the developer's obligation to pay or reimburse the Township, and the developer shall pay to the Township the full amount of the consultant review fee then due and owing without deducting the sum in dispute.

Section 403 Improvements Agreement

- 403.A. Agreement Required** - Where an approved application includes required improvements, the developer shall enter into a written improvements agreement providing for construction standards, financial security, expense escrow funds, maintenance guarantees, insurance, indemnification, and such other matters as the Township shall deem necessary to construct the approved application.
- 403.B. Insurance** - The improvements agreement shall include, at a minimum, the following provisions related to insurance. Upon request, full copies of the insurance policy shall be provided to the Township.
1. The developer shall obtain and maintain in full force and effect until eighteen (18) months after the required improvements have been finally approved or, if appropriate, dedicated or sold to the Township, whichever is later, the following insurance policies and coverage:
 - a. Comprehensive Commercial General Liability Insurance coverage including "premises

operations" coverage in the amount of \$2,000,000.00 and "products and completed operations" coverage in the amount of \$2,000,000.00, and with respect to both, naming as additional insureds "Upper Saucon Township and its Boards, Commissions and Authorities (including the individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" for any and all claims arising out of or relating to the performance of this Agreement;

- b. Owners and Contractors Protective Liability insurance in the amount of \$2,000,000.00, naming as additional insureds "Upper Saucon Township and its Boards, Commissions and Authorities (including the individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" to provide liability coverage for any and all claims arising out of or relating to the negligent acts or omissions of independent contractors or subcontractors which arise out of or relate to the performance of this Agreement; and
 - c. Commercial Motor Vehicle Insurance coverage.
2. The developer shall cause each insurance policy to include an endorsement which provides that the policy shall not be cancelable or subject to any amendment reducing the amount or breadth of coverage without at least thirty (30) days advance written notice to the Township, via certified mail, at 5500 Camp Meeting Road, Center Valley, Pennsylvania 18034.
 3. Each policy of insurance obtained pursuant to this Section shall contain an endorsement making the same applicable solely to the application and the premises. A general policy applicable to other operations of the developer shall not be deemed to comply with these requirements
 4. Each policy of insurance obtained pursuant to this Section shall contain an endorsement which provides that with respect to the additional insureds, the additional insurance provided shall be primary over all other applicable policies of insurance maintained by the additional insureds.
 5. The developer shall furnish to the Township a copy of each policy and all endorsements and proof of payment of the annual premium, and thereafter at least annually, provide a certificate of insurance evidencing continuing compliance with this Section.
 6. The developer shall require all contractors installing, constructing, erecting or completing the required improvements before commencing any work in connection with the application to provide to the developer and the Township certificates of insurance evidencing that each such contractor has in force and effect the insurance policies and coverage identified in sub-section 1, above, and the endorsements identified in sub-sections 2 through 4 above.

403.C. Indemnification - The developer shall indemnify, defend and hold harmless "Upper Saucon Township and its Boards, Commissions and Authorities (including the individual members thereof) and their elected and appointed officers, officials, employees, professional consultants and agents" from demands, claims, suits, actions or judgments of and from all damages or expenses on account of personal injury, death or property damage arising out of or relating to the plan, or the conditions of approval of the plan, or any work performed by or on behalf of the developer in connection with the plan or conditions of approval of the plan.

403.D. Assignment of Improvements Agreement - The improvements agreement shall not be assigned without the prior written approval of the Township and under terms and conditions acceptable to the Township. No assignment shall relieve the assignor of its duties and obligations to the Township under the improvements agreement.

Section 404 Financial Security

- 404.A. Requirement of Financial Security** - Upon application approval by the Board of Supervisors and in lieu of completing the required improvements of a plan prior to approval, an improvements agreement shall be executed by the developer, providing for financial security to secure the completion of construction of the required improvements. Financial security shall be calculated and provided in accordance with the MPC, this Ordinance, conditions of application approval, and applicable Township resolutions.
- 404.B. Forms of Security** – Unless otherwise permitted by the Township, financial security shall be in the form of an irrevocable letter of credit or cash escrow. Acceptable financial institutions shall include Federal institutions authorized to conduct such business within the Commonwealth and maintain an office in the greater Lehigh Valley area where claims against the security may be presented.
- 404.C. Amount of Financial Security** - The financial security shall be in an amount equal to one hundred ten percent (110%) of the cost of completion of the required improvements (which includes contingency allowances), estimated as of ninety (90) days following the date scheduled for completion.
- 404.D. General Construction Schedule** - The submission of a financial security estimate to the Township shall be accompanied by a general construction schedule setting forth the estimated dates of commencement and completion for the project. For projects with an anticipated duration greater than one (1) year, the developer's engineer shall adjust the financial security estimate to reflect an increase of ten percent (10%) per year for every year thereafter.
- 404.E. Posting of Additional Security** - If the financial security estimate fails to adequately address or excludes any required improvements because of oversight, because the need for the same was not anticipated by the engineers preparing or reviewing the plan and/or the cost estimates submitted pursuant thereto, or because of unanticipated field conditions, then the developer nevertheless shall be solely responsible for the installation, construction, erection and/or completion of the same and the cost thereof, and the Township, upon discovery that certain required improvements are not included in the engineering estimate or that the estimate is not properly calculated or is understated, may require the developer to post additional security in an amount adequate to address the deficiency as a condition precedent to proceeding with the development.
- 404.F. Adjustment of Security** - If the required improvements are not completed by the completion date set forth in the original construction schedule, the Township Engineer may annotate the Improvements Security Release Certification forms to reflect one hundred ten percent (110%) of the cost for the completion of the remaining required improvements estimated as of ninety (90) days following the original date scheduled for completion or a rescheduled date of completion, and the developer shall post the revised security.
- 404.G. Term of Security** - The developer shall maintain security for a minimum of ninety (90) calendar days after the scheduled completion date of construction unless a different date is established in the improvements agreement.
- 404.H. Approved Claim Form** - The developer shall provide to the Township a sample claim form, acceptable to the financial institution, for use by the Township in making claims against the security.

- 404.I. Irrevocable Security** - The financial security shall be irrevocable during the term thereof and shall automatically renew unless thirty (30) days written notice is provided to the Township. The amount of security shall not be reduced except pursuant to written and signed authority by an authorized Township official. Minutes of meetings of the Board of Supervisors or other Township Authorities authorizing the reduction in financial security shall not constitute written authorization hereunder.
- 404.J. Assignment of Security** - The security shall not be assignable to other parties without prior written authorization of the Township. A general assignment of the security is not a release of liability of the assignor.
- 404.K. Reduction of Security** - The Township shall reduce the amount of financial security in accordance with the requirements of the MPC and applicable Township resolutions.

Section 405 Maintenance Guarantee

- 405.A. Warranty on Structural Integrity and Function** - The developer warrants the structural integrity and function of all improvements to be conveyed or offered for dedication to the Township in accordance with improvements agreement for an eighteen (18) month period following the date of acceptance of the conveyance or dedication. During the warranty period, the developer shall repair, restore, or replace all work determined by the Township to be defective.
- 405.B. Required Maintenance Guarantee** – A maintenance guarantee shall be provided by the developer to secure its obligation to repair, restore, or replace defective work that effects the structural integrity and function of all improvements that are offered for dedication or conveyance to the Township. The maintenance guarantee shall be submitted as a condition of the Township acceptance of the offer of dedication.
- 405.C. Duration of Maintenance Guarantee** - The maintenance guarantee shall be in effect for a period of eighteen (18) months from the date of acceptance of dedication or sale to the Township.
- 405.D. Amount of Security** – Security for the maintenance guarantee shall be fifteen percent (15%) of the actual cost of installation of the improvements.
- 405.E. Type of Security** – Unless otherwise agreed to by the Township, the maintenance guarantee shall be in the same form as that used to secure the construction of the improvements.
- 405.F. Irrevocable Maintenance Guarantee** - The maintenance guarantee shall be irrevocable and may not be withdrawn or reduced in amount without the consent of the Township.

Design Standards

Section 501 General

501.A. Other Standards and Requirements

1. The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Township ordinances, rules, resolutions, or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.
2. To the extent the design standards contained in this Ordinance differ (more or less restrictive) from the Age Qualified Community Overlay Zone, Village Commercial Overlay Zone and Town Center Core provisions of the Zoning Ordinance, the standards of the Zoning Ordinance shall govern.
3. Unless otherwise specified, all references in this Ordinance to documents, regulations, ordinances, rules and other material are to the latest edition, including amendments, replacements, revisions and/or superseding.
4. Subdivisions and/or land developments shall be designed to comply with the following:
 - a. The Zoning Ordinance;
 - b. The Official Map;
 - c. Rules and regulations of the Township Authorities;
 - d. Upper Saucon Township Standard Construction Documents;
 - e. Regulations of PA DEP;
 - f. PENNDOT Design Manual Part 2, Highway Design;
 - g. AASHTO - A Policy on Geometric Design of Highways and Streets;
 - h. All applicable local, State and Federal rules and regulations; and
 - i. Commonly accepted engineering standards.
5. Where no written standard applies, the development shall be designed to an acceptable industry standard as determined by the Township Engineer.
6. Whenever the Zoning Ordinance provides that the use proposed by the developer for subdivision and/or land development approval shall constitute a use by special exception or a conditional use, the application shall be designed and developed in accordance with any conditions which have been imposed by the Zoning Hearing Board or the Board of Supervisors, as applicable.
7. Whenever the developer proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the Zoning Ordinance, the application shall be designed and developed in accordance with any conditions which have been

imposed upon the granting of such variance or variances by the Zoning Hearing Board.

8. The developer shall obtain all required easements and rights-of-way to the satisfaction of the Township. Under no circumstance shall the Township be obligated to secure easements or rights-of-way. All easements and rights-of-way shall be in the form of a written agreement prepared to the satisfaction of the Township.

501.B. Environmental Protection - Characteristics, such as site configuration, geology, soil, topography, bodies of water, ecology, vegetation, structures, road network, visual features and past/present use shall be considered in the design of the proposal. To the greatest extent possible, designs shall preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts and alteration of natural features. Designs must cite and reflect the Natural & Cultural Features Site Plan and Report required in the Zoning Ordinance.

501.C. Land Requirements - No subdivision and/or land development shall occur in such a way that would threaten the public health and safety including hazards of toxic substances, traffic hazards, explosive hazards and/or fire hazards. Land shall be suitable for the purpose for which it is to be subdivided and/or developed. Land subject to hazardous conditions, such as open quarries, mines, mine shafts, sinkholes, limestone solution channels, unconsolidated fill, flooding, excessive erosion, unsafe water supply or hazardous or toxic site pollution, shall not be approved for subdivision and/or land development until the developer has provided, or has legally committed to provide, adequate measures to overcome or eliminate, mitigate and/or safeguard against such hazards, in the determination of the Board of Supervisors, to the best of their knowledge. However, the Township accepts no responsibility to identify or to guarantee their resolution.

501.D. Coordination With Nearby Development - A subdivision and/or land development and its street pattern shall be coordinated with existing or approved nearby developments or neighborhoods, to develop the area and the community harmoniously, and to prevent conflicts between neighboring development.

501.E. Design Goals - The development shall be designed to minimize impervious cover and to mitigate adverse effects of shadow, noise, glare, odor, traffic, drainage, and utilities on neighboring properties.

Section 502 Proposed Streets

502.A. General

1. Arrangement of Streets - Streets shall be designed to:
 - a. Permit the safe, efficient, and orderly movement of vehicles and facilitate adequate access for emergency vehicles;
 - b. Provide, when possible, two directions of vehicular access to and within a development;
 - c. Meet the needs of the present and future population;
 - d. Provide a simple and logical pattern;
 - e. Function under a hierarchy system where the intensity of intersections decreases as traffic volumes and speed increase;
 - f. Conform to the natural features and topography;
 - g. Present an attractive streetscape; and

- h. Harmonize with existing streets forms and patterns.
2. **Street Classification** - Classifications for proposed streets are as follows:
 - a. **Arterial** - A street used primarily for through traffic that maximizes mobility over land access through infrequent driveway intersections. This type of roadway typically connects urban centers with outlying communities and employment or shopping centers.
 - b. **Collector** - A street used primarily for moving traffic from local streets to the major system of arterial streets and/or linking those streets to community wide activity centers, including but not limited to the large residential developments, commercial and industrial areas, smaller rural settlements.
 - c. **Local** - A street used primarily for immediate access to adjoining land uses and are generally separated from through traffic. These roads are generally intended for transportation within a particular neighborhood, serving internally developed areas, while in outlying rural areas, local roads tend to run for great distances and serve more individual properties.

502.B. Street Function

1. Where the Township deems appropriate, streets shall be designed to form continuations of streets with similar function and to access streets of a greater function.
2. Local streets shall be laid out to discourage use as a collector street and discourage excessive speeds.
3. Where vehicular circulation and safety considerations necessitate providing for street access to adjacent property, streets shall be extended by dedication to the boundary of such property. Streets shall provide an interconnected network of for efficient trips within the neighborhood and more appropriately accommodates pedestrian, and bicycle oriented trips.
4. No vehicular access is permitted along an arterial street when alternative access is possible from a street of less classification.
5. Access to arterial streets shall be designed for use by adjoining properties to coordinate and reduce the number of access points. Shared access drives, feeder roads, marginal access streets, reverse frontage lots, or other such treatment should be utilized to reduce the number of intersections along arterial streets.

502.C. Street Provisions for Future Development

1. Where the Township deems appropriate, areas shall be reserved for future streets in conjunction with the development of adjacent land. Areas reserved for future streets shall include sufficient area to establish street and lot grades and the extent of area necessary to construct the street. The Township may require the extension of sanitary sewer and water supply lines within the future street. An agreement satisfactory to the Township shall be submitted for the construction and future removal of the temporary turnaround.
2. Wherever there exist a dedicated or platted area reserved for future streets along the boundary of a property being developed, the adjacent street shall be extended into the proposed project.
3. When connecting a proposed street to an existing temporary cul-de-sac, such connection, and all work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.

502.D. Street Signs, Traffic Controls, and Street Names - Street signs, traffic controls and parking controls shall be constructed and installed by the developer according to the specifications of the Township and PENNDOT. Streets that are continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All new street names are subject to Township approval.

502.E. Vertical Street Alignment

1. Street Grade - Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be one percent (1%) unless in a transition between a crest or sag. The maximum grade for streets shall not exceed ten percent (10%). Local streets, where access is also available over streets with ten percent (10%) or less, may have grades up to twelve percent (12%). A cul-de-sac street shall not exceed ten percent (10%) and the cross-slope of a turnaround shall not exceed five percent (5%).
2. Vertical Curve - Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths (in feet) of vertical curves shall be according to AASHTO A Policy on Geometric Design of Highways and Streets. Vertical curves shall be consistent with the proposed posted speed limit. The development plan must identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.
3. Street Grade at Street Intersection - A leveling area shall be provided where the approaching grade, within one hundred feet (100') of the centerline intersection, exceeds seven percent (7%) on streets at a four-way street intersection, or the terminating street at a three-way intersection. Such leveling area shall have a maximum grade of five percent (5%) for a minimum length of one hundred feet (100') measured from the intersection of the centerlines.
4. Street Grade at Street Turnaround - The grade, in all directions, within the diameter of a turnaround and along the curb line at the terminus of a permanent cul-de-sac shall be at least one percent (1%) and not exceed five percent (5%) in all directions.
5. Street Side Slope - All areas within the street right-of-way shall be graded substantially consistent with the street centerline and shall be constructed according to the Standard Construction Documents.

502.F. Horizontal Street Alignment

1. Horizontal Curves - Horizontal curves shall be used at all angle changes. Horizontal street alignments shall be measured along the centerline. Single, long radius curves shall be used, rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments. The minimum centerline radii for horizontal curves shall be according to AASHTO A Policy on Geometric Design of Highways and Streets. Horizontal street alignments shall be consistent with the proposed posted speed limit. The development plan must identify the designated design speed for each street. The designated design speed is subject to Township approval. The posted speed limit shall not exceed the design speed limit.
2. Perimeter Street - Where streets are located along the perimeter of a property, the developer shall obtain, clear sight triangle, and sight distance easements within the adjacent properties.
3. Cartway Alignment - The centerline of the street cartway shall correspond with the centerline of the street right-of-way.
4. Intersection - Right angle intersections shall be used whenever possible. No street shall intersect another at a centerline angle of less than seventy-five degrees (75°), or more than one hundred and five degrees (105°). Intersections shall be approached on all sides by a

straight centerline with a minimum length of fifty feet (50').

502.G. Street Improvement Specifications - All streets shall be designed and constructed in accordance with:

1. Standard Construction Documents;
2. PENNDOT Design Manual Part 2, Highway Design; and
3. AASHTO - A Policy on Geometric Design of Highways and Streets.

502.H. Traffic Calming Measures - The Township may require the installation of "traffic calming measures" for streets and access drives. Traffic calming measures are devices, systems and programs described in PENNDOT, Bureau of Highway Safety and Traffic Engineering, Publication 383, dated January 2001 and known as "Pennsylvania's Traffic Calming Handbook" (Publication No. 383). The criteria used to determine the necessity, location, design, and construction of traffic calming measures, including all related warnings, signs, and markings shall be in accordance with accepted traffic engineering principles and Publication No. 383.

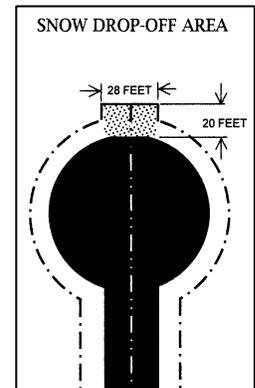
502.I. Street Intersection

1. State Route - All intersections with a State Route shall be subject to the approval of PENNDOT. The developer shall include Township comments with the submission of a PENNDOT Highway Occupancy Permit.
2. Multiple Intersections - Multiple intersections involving the junction of more than two (2) streets are prohibited. Only three- and four-way intersections are permitted.
3. Separation - Streets shall intersect with a common street centerline or be offset according to the following standards:
 - a. The two (2) streets shall be separated by a distance of one hundred fifty feet (150') between centerlines, measured along the centerline of the street being intersected, when all streets involved are local streets;
 - b. The two (2) streets shall be separated by a distance of four hundred feet (400') between centerlines, measured along the centerline of the street being intersected, when one or more streets involved are collector streets; and
 - c. The two streets shall be separated by a distance of one thousand feet (1,000') between centerlines, measured along the centerline of the street being intersected, when one or more of the streets involved are arterial streets.
4. Radii - The cartway edge at intersections shall be:
 - a. Designed for the largest vehicle anticipated to use the intersection. The minimum radii shall conform to PENNDOT Design Manual Part 2, Highway Design, and AASHTO Design Manual, Exhibit 9-20, Edge of Traveled Way for Turns at Intersections;
 - b. Rounded with a minimum fifty-five foot (55') tangential arc for arterial and collector streets, and thirty feet (30') tangential arc for local streets;
 - c. Provided with acceleration and/or deceleration lanes when deemed by the Township to be necessary; and
 - d. Substantially concentric with the street right-of-way edge.

5. Sight Triangle - There shall be provided and maintained a sight triangle at all intersections in conformance with the requirements of the Zoning Ordinance.
6. Sight Distance at Intersections - All intersections shall be designed to comply with the minimum sight distance requirements, as described in Pennsylvania Department of Transportation Design Manual Part 2, Highway Design, and AASHTO A Policy on Geometric Design of Highways and Streets..

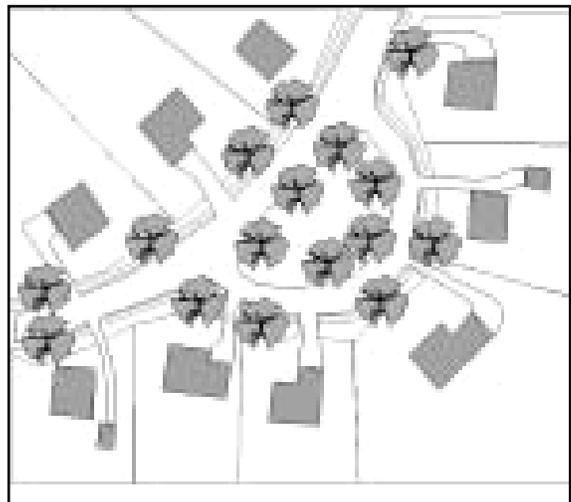
502.J. Cul-de-Sac Street (Dead-end Street)

1. Length - Temporary or permanent cul-de-sac streets shall have a minimum length of two hundred fifty feet (250') and not exceed six hundred feet (600') in length or provide access to greater than twenty-five (25) residential dwelling units. The cul-de-sac length is measured from the centerline intersection with a street that is not a cul-de-sac, to the center of the cul-de-sac turnaround.
2. Turnaround - All cul-de-sac streets, whether permanently or temporarily designed, shall be provided with a fully-paved, closed-end, turnaround at a minimum width/ diameter of one hundred feet (100') and a right-of-way width/diameter of one hundred twenty feet (120'). The use of a temporary turnaround shall be guaranteed by a temporary easement until the street is extended. At the time that a temporary cul-de-sac is extended, the area located within the temporary turnaround shall be released to the abutting landowner. A right side centerline offset for the turnaround is desired. A left side centerline offset of the turnaround is prohibited.
3. Snow Drop-Off - A snow drop-off area shall be provided at the terminus of the turnaround area. The snow drop-off area shall be twenty-eight feet (28') wide and twenty feet (20') deep from the street curb line. The snow drop-off area shall be centered on the centerline of the street as the street approaches the turnaround area. The snow drop-off area shall be free of utility terminal boxes, mailboxes, and other facilities that may hamper snow storage, or may require accessibility during snow periods. Street curb located with the snow drop-off area shall be depressed. If applicable, sidewalk shall be located outside the snow drop-off area. The snow drop-off area shall be a permeable surface.



502.K. Eyebrow and Loop Streets

1. Design – These streets are a semicircular shaped streets, providing one-way circulation to and from a through street with an interior green space, containing trees, shrubs and ground cover located between the through street and the eyebrow and/or loop street. These streets shall maintain a minimum pavement width of eighteen feet (18'), and a minimum inside diameter of thirty feet (30').
2. Maximum Length – These streets shall have a maximum length of six hundred feet (600') measured from the centerline intersections with a through street or provide access to no greater than twenty-five (25) residential dwelling units.



3. Private Ownership – These streets and the interior green space shall be privately owned and maintained as a private street.

502.L. Vehicle Access to Lots and Units of Occupancy - The location and number of vehicle access points (streets, access drives) shall be adequate for, and appropriate to, the size and nature of the land use. Development that generates greater than two hundred twenty five (225) average daily vehicle trips per day shall have at least two (2) vehicular access points.

502.M. Street Lights - When provided, street lights shall be in conformance with the Zoning Ordinance.

502.N. Street Trees - Street trees shall be provided according to Section 518.

502.O. Private Street - Private streets shall meet all street design standards of this Ordinance. Approval of a private street shall be at the discretion of the Board of Supervisors. Applications proposing private streets shall include a written operation, maintenance, future use, and ownership document that shall be recorded with the office of the Lehigh County Recorder of Deeds in conjunction with the Final Plan. The developer shall provide to the Township any and all private street documents for review and approval.

Section 503 Modifications to Existing Streets

503.A. Modifications to existing streets shall conform with the following:

1. For the purpose of determining the extent of onsite improvements as defined by the MPC to be required of a developer hereunder, and where necessary for the ingress to or egress from the subdivision or land development; the entire width of a street abutting the developer's property including right-of-way and ultimate right-of-way, shall be deemed to be onsite.
2. Where deemed to be onsite, existing streets shall be modified to comply with the applicable street width.
3. Where a subdivision or land development abuts an existing street of improper cartway or right-of-way width, improvement or alignment, as herein required, the dedication of land in accordance with the Zoning Ordinance, or additional as may be required to widen the street and/or correct the improvement or alignment shall be provided, or as an alternative, at the discretion of the Township, a fee in lieu of the of the dedication of right-of-way shall be provided in an amount determined by Township.
4. Where a subdivision or land development requires the construction of onsite improvements, as identified by an approved traffic impact study, including but not limited to signalization, the same shall be designed, constructed, and installed at the developer's sole cost and expense. If a traffic impact study is not performed, the developer shall install at its sole cost and expense all onsite improvements required by accepted traffic engineering principles.
5. Where a subdivision or land development abuts in whole or in part an existing street intersection, all property abutting each side or corner of the street intersection shall be deemed to abut the developer's property for the purpose of determining whether improvements are deemed onsite.

Section 504 Alleys

504.A. Alleys shall conform with the following:

1. The use of alleys is limited to providing a secondary means of access to the side and/or rear of those lots with street frontage and designed to discourage through traffic.

2. Except as otherwise required by the Zoning Ordinance, no part of any dwelling, garage or other structure shall be located within four feet (4') of the cartway of an alley.
3. Alleys shall be designed in accordance with the street standards in Sections 502.A., 502.B., 502.C., 502.E., 502.F., 502.H., and 502.I.
4. The distance between the centerline intersections of alleys with streets shall be measured along the centerline of the street being intersected and conform with the following:

Classification	Minimum Separation
Arterial	1,000 feet
Collector	400 feet
Local	150 feet

5. An alley shall not terminate in a dead-end or cul-de-sac.
6. A minimum right-of-way width of eighteen feet (18') and a minimum cartway width of sixteen feet (16') shall be provided for alleys.
7. Alleys shall be privately owned. Applications that propose private alleys shall include a written operation, maintenance, future use and ownership document that shall be recorded with the office of the Lehigh County Recorder of Deeds in conjunction with the Final Plan. The developer shall provide to the Township any and all private alley documents for review and approval.
8. All alleys shall be designed and constructed in accordance with of the Upper Saucon Township Standard Construction Documents and of PENNDOT Design Manual Part 2, Highway Design, and AASHTO A Policy on Geometric Design of Highways and Streets.

Section 505 Driveways and Joint Use Driveways

505.A. Driveways and joint use driveways shall conform with the following:

1. Driveways and joint use driveways shall conform to the standards contained in the Zoning Ordinance. The Township may require the plan to identify the potential location of driveways when site conditions may limit available driveway locations.
2. Driveway and joint use driveway intersections with a State Route shall be subject to the approval of PENNDOT. The developer shall include Township comments with the submission of a PENNDOT Highway Occupancy Permit.

Section 506 Access Drives

506.A. Zoning Ordinance Standards - Access drives shall conform to the Zoning Ordinance.

506.B. Vertical Alignment -The vertical alignments of access drives shall conform to the specifications for streets, as stated in Section 502.E.

506.C. Horizontal Alignment -The horizontal alignment of access drives shall be measured along the centerline. Horizontal curves shall be used at all angle changes more than two degrees (2°). All curves shall be tangential arcs. The minimum horizontal curve radius shall be seventy-five feet (75').

- 506.D. Dead-End** - Access drives which form a dead-end shall not exceed six hundred feet (600') in length, measured from the centerline intersection of a street or access drive which is not a dead-end. Dead-ends that do not terminate in a parking compound shall be provided at the terminus with a fully paved turnaround with a minimum diameter of one hundred feet (100'). The Township may permit an alternative turnaround design, including a turnaround incorporated in a parking court or a landscaped island, provided safe movement of traffic is assured.
- 506.E. Parking** - When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the plan and properly signed along the cartway.
- 506.F. Improvement** - The cartway of all access drives shall be constructed to the local street improvement specification stated in Section 502.G., except for right-of-way and cartway width.
- 506.G. Side Slope** - The maximum slopes of areas located within twenty feet (20') of the cartway shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts.
- 506.H. Radii** - The cartway edge at intersections shall be:
1. Designed for the largest vehicle anticipated to use the intersection. The minimum radii shall conform to PENNDOT Design Manual Part 2, Highway Design, and AASHTO Design Manual.;
 2. Provided with acceleration and/or deceleration lanes when deemed by the Township to be necessary; and
 3. Perpendicular to the intersection.
- 506.I. Access Drive Signs, Traffic Controls and Name Signs** - Access drive signs, including name, traffic controls and parking controls shall be constructed and installed by the developer according to the specifications of the Township and PENNDOT.

Section 507 Bicycle Paths & Recreation Trails

- 507.A. Bicycle Paths** - Bicycle paths shall be provided, when designated on or as part of an official plan or map, or as otherwise required by the Township. Bicycle lanes located within a street right-of-way shall conform to PENNDOT specifications.
- 507.B. Recreation Trails**
1. Recreation trails shall be provided, when designated on or as a part of an official plan or map, or as otherwise required by the Township.
 2. Choice of surface materials includes bituminous mixes, concrete, gravel, soil cement, stabilized earth, and wood planking. The type of material shall be based upon the projected intensity of use and may be determined by the developer, subject to approval by the Township. Trails shall be constructed and maintained in a firm and stable condition.
 3. Trail width shall be a minimum width of eight feet (8').
 4. Trails shall be located in common open space area or in a minimum sixteen feet (16') wide easement.
 5. Marked crosswalks shall be provided within vehicular travel ways intersecting trails according to PENNDOT standards.

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

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

Section 508 Vehicular Parking

Off-street parking shall be provided as specified in the Zoning Ordinance.

Section 509 Off-Street Loading

Off-street loading spaces shall be provided as specified in the Zoning Ordinance.

Section 510 Sidewalks

Sidewalks shall be provided along all streets and access drives. Sidewalks along access drives leading to streets do not need to parallel an access drive when the Township determines that an alternate location is suitable. Sidewalks shall be provided as specified in the Standard Construction Documents and Zoning Ordinance.

Section 511 Curbs

Curbs shall be provided along all streets and along all access drives where there is parallel sidewalk. Curbs shall be provided as specified in the Standard Construction Documents.

Section 512 Blocks and Lots

512.A. General - The configuration of blocks and lots shall be based upon the lot area requirements of the Zoning Ordinance, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

512.B. Residential Block - All blocks in a residential subdivision shall have a maximum length along any side of one thousand, six hundred feet (1,600') and a minimum length of any side of two tiers of lots that conform to the prevailing standards.

512.C. Nonresidential Block - Block configurations in nonresidential areas shall be based primarily upon safe and efficient traffic circulation, and salient natural features.

512.D. Lot Configuration

1. Side lot lines shall be at right angle or radial to street lines, whenever practical.
2. Lot lines shall, wherever feasible, follow municipal boundaries, rather than cross them.
3. Lots with areas that are two (2) or more times the minimum area requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision. The Township may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.

4. All lots shall front on a street. Satisfactory guarantee of the street construction shall be provided to the Township, when a lot is provided with street frontage solely from a proposed street that is located within an adjoining municipality.
5. Lots that front upon two parallel streets, or upon two streets that do not intersect (also known as through lots), shall comply with the Zoning Ordinance.
6. Flag lots are only permitted where specifically provided for within the Zoning Ordinance, and subject to the Zoning Ordinance.

Section 513 Easements

513.A. Easements shall be provided according to the following:

1. Easements shall be provided for public or shared facilities, services and utilities;
2. Easements shall be located in a manner that minimizes disruption of the use or land;
3. Nothing shall be placed, planted, set, or constructed within an easement that would adversely affect the function of the easement or conflict with the easement agreement;
4. All existing and proposed easements shall be identified on the plan and shall include a metes and bounds description;
5. When deemed appropriate by the Township, the plan shall identify the entity to which the easement is granted and the terms thereof;
6. Each easement depicted on the plan shall be the subject of a written agreement to be recorded in the office of the Lehigh County Recorder of Deeds. Any easement agreement which includes the Township or Authorities as parties is subject to Township approval. Each agreement shall be recorded concurrently with the final plan;
7. Every deed for property that is burdened by an easement shall contain a notice thereof on the deed.
8. Sanitary sewer, water supply and storm water easements shall have a minimum horizontal width of thirty feet (30') unless a greater width is required by the Township. In the case of a shared easement, sufficient area shall be provided to allow a minimum horizontal separation of ten feet (10') between the facilities, and from the edge of the easement boundary; and
9. Where an existing utility (i.e., electric or telephone transmission or petroleum product transmission line) traverses a property, the developer shall identify the easement or right-of-way and provide a plan note certifying compliance with any existing easement or right-of-way.

Section 514 Survey Monuments and Markers

514.A. Survey monuments and markers shall be provided according to the following:

1. Permanent stone or concrete monuments shall be accurately placed along one side of the right-of-way lines of each street and on the property lines of the parent property. Monuments shall be placed at the intersection of all street lines forming angles, changes in direction, and at the end of each curved line. An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.

2. Markers shall be set at all points where lot lines intersect curves and/or other property lines.
3. Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four inches (4") and a minimum length of thirty inches (30"). Concrete monuments shall be marked with a three-quarter inch ($\frac{3}{4}$ ") copper or brass dowel; stone or pre-cast monuments shall be marked on the top with a proper inscription and a drill hole.
4. Markers shall consist of iron pipes or steel bars at least thirty inches (30") long and not less than a three-quarter inch ($\frac{3}{4}$ ") diameter.
5. All monuments and markers shall be placed by a registered land surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
6. All monuments/markers shall be set flush with the finished grade, except for temporary placement and/or woodland conditions.
7. Existing and proposed monuments and lot line markers shall be delineated on the plan and installation certified by the developer.

Section 515 Stormwater Management

Applications shall conform to the requirements of the Upper Saucon Township Stormwater Management Ordinance.

Section 516 Floodplains

Applications shall conform to the floodplain standards of the Zoning Ordinance.

Section 517 Wetlands

Applications shall conform to the wetland standards contained in the Zoning Ordinance.

Section 518 Landscaping

518.A. Existing Wooded Areas - Applications shall conform to the existing wooded area standards contained in the Zoning Ordinance.

518.B. Street Trees

1. Street trees shall be provided along each side of the street with spacing at a maximum of fifty feet (50') on center; however, the spacing of trees may be adjusted in order to account for driveways, signs, utilities, sight triangles, sight distance, etc.
2. The variety of street trees shall be limited to the approved shade trees and small deciduous trees specified in the Zoning Ordinance.
3. Street trees shall be, at the time of planting, a minimum caliper of two and one-half inches ($2\frac{1}{2}$ ") measured six inches (6") above the root ball and shall have a single straight stem of at least seven feet (7') to the first lateral branches above grade.

4. Street trees shall be symmetrical, free of insects, pests, and disease.
5. Street trees shall be of nursery stock quality, grown under the same climatic conditions as at the location of their proposed planting and transplanted in accordance to the American Nursery & Landscape Association, in the American Standard for Nursery Stock, ANSI Z60, 1-

518.C. Screening and Landscaping - Applications shall conform to the screening and landscaping standards contained in the Zoning Ordinance.

518.D. Ground Cover - Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas that are not covered by paving, stone, pine needles, bark mulch, or other solid material shall be protected with a vegetative growth. Varieties of ground cover shall be subject to the approval of the Township.

518.E. Grading – In areas of earth excavation or fill, such grading shall be to a maximum slope of three feet (3') horizontal to one foot (1') vertical unless stabilized by a retaining wall, except as approved by the Township under special conditions.

Section 519 Steep Slopes

Applications shall conform to the steep slope standards contained in the Zoning Ordinance.

Section 520 Sanitary Sewage Disposal

520.A. The developer shall provide sanitary sewage disposal facilities consistent with the following:

1. Pennsylvania Sewage Facilities Act, Act 537 of 1966;
2. Upper Saucon Township Act 537 Official Plan for sanitary sewer; and
3. Any other ordinances, resolutions and specifications of the Township and its Authorities.

520.B. Individual on-lot sanitary sewage disposal systems shall conform to the on-lot sewage disposal system requirements of the PA DEP, and Zoning Ordinance.

Section 521 Water Supply and Fire Hydrants

521.A. Water supply and fire hydrants shall conform with the following:

1. Water supply systems shall be designed and constructed in accordance with the prevailing rules and regulations of the PA DEP and the Township.
2. All developments shall connect to the Township public water system in accordance with applicable law.
3. Where the Township determines that the public water supply system cannot feasibly provide service to the proposed development, individual on-lot water supply systems shall be utilized. Each lot served by individual wells and each system shall conform to the requirements of PA DEP and the Township.
4. Fire hydrants shall be provided wherever the water supply system contains sufficient capability, or will in the near future, with or without developer assistance. Type and location of

fire hydrants shall meet the specifications of the fire department that services the project. Location and fitting types shall be in accordance with the standards of the applicable fire department.

Section 522 Park and Recreation Lands

522.A. Requirements for Reservation of Park and/or Recreation Lands

1. Every proposed residential subdivision of land and/or residential land development regulated by this Ordinance and the MPC, shall provide land for dedication which is suitable for park and/or recreation land.
2. The amount of land required to be dedicated shall be three thousand (3,000) square feet per residential lot or dwelling unit (whichever number is greater) that is part of an approved application. If at the time of plan application submission the developer is domiciled in a dwelling unit on one of the lots in the proposed subdivision or development, said lot or dwelling unit shall not be included in this calculation.
3. All land proposed for dedication as park and/or recreation land shall comply with the standards set forth in Section 522.B.
4. A developer shall dedicate land for park and recreation purposes. In lieu thereof, the developer may propose the following or a combination of the following, subject to approval of the Board of Supervisors:
 - a. Dedication of land for park and/or recreation purposes,
 - b. Payment of a recreation fee,
 - c. Construction of park and/or recreational facilities, or
 - d. Private reservation of park and/or recreation land.
5. If the developer receives approval from the Board of Supervisors for the payment of a fee in lieu of dedication of all or some of the required park and/or recreation land, then the fee shall be calculated on the basis of the most current fee schedule.
6. If the developer elects to pay a fee in lieu of the dedication of park and/or recreation land, then such payment, if approved by the Board of Supervisors, shall be deemed a condition of application approval and shall be paid at the time of execution of the improvements agreement with the Township or if no improvements agreement is necessary, then prior to recording the approved plan.
7. All fees paid pursuant to this Section shall be maintained in a separate, interest bearing, account for the purpose of park and recreation. Such funds shall not be used for any purpose inconsistent with the applicable provisions of the MPC.
8. The requirements of Section 522 shall be in addition to, and not in lieu of:
 - a. Open space which is required to be provided in connection with certain uses, developments, subdivisions and/or other residential living arrangements pursuant to the Zoning Ordinance; and
 - b. Any private park and/or recreation land provided by the developer for the benefit of the residents thereof, unless approved by the Board of Supervisors pursuant to Section 522.A.4.d.

522.B. General Standards for Park and/or Recreation Land Set-Aside by the Developer

1. Unless otherwise approved by the Board of Supervisors, where the developer elects to fulfill the requirements of this Article through an offer of dedication of land to the Township, the developer shall demonstrate to the satisfaction of the Township that the land will support a legitimate park and recreation use considering, where relevant, with the following factors:
 - a. Consistency with the Saucon Region Recreation & Open Space Plan;
 - b. Consistency with the Upper Saucon Township Official Map;
 - c. Availability for use by the public;
 - d. Location entirely within Upper Saucon Township;
 - e. Means for public ingress and egress;
 - f. Accessible to essential utilities and services;
 - g. Ability to accommodate adequate vehicle parking facilities;
 - h. Suitability of land characteristics for the intended use, including but not limited to configuration, natural features, cultural features, and man-made features;
 - i. Compatibility with the surrounding neighborhood;
 - j. Proximity to other community facilities; and
 - k. Such other factors that the Township may deem relevant.

Section 523 Carbonate Areas

Applications shall conform to the carbonate area standards contained in the Zoning Ordinance.

Section 524 Wellhead Protection

Applications shall conform to the wellhead protection standards contained in the Zoning Ordinance.

Article 6

Manufactured Home Park

Section 601 General

The standards and requirements contained in this Article and the Township Zoning Ordinance shall apply as minimum design standards for manufactured home parks. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

Section 602 Procedure

All proposed manufactured home parks, and expansions to existing manufactured home parks, shall conform to the procedural and application requirements of this Ordinance for subdivision and land development (see Article 2, Article 3, and Article 4).

Section 603 Design Standards

- 603.A. General** - The standards and requirements contained in Article 5 shall apply as minimum design standards for mobile home parks.
- 603.B. Driveways and Joint Use Driveways** - Driveways to manufactured homes must access onto the interior street or access drive system of the manufactured home park. Direct driveway access to an existing adjoining public street is prohibited.
- 603.C. Intersections** - A fifty-five foot (55") tangential arc shall be provided at the cartway edge for all intersections of both streets and access drives.
- 603.D. Sidewalks** - Sidewalks shall be provided along both sides of streets and access drives and, where applicable connect manufactured homes to parking compounds and service buildings.
- 603.E. Public Sanitary Sewage Disposal** - Each manufactured home unit shall be directly connected to and served by public sewer.
- 603.F. Public Water Supply and Fire Hydrants** - Each manufactured home unit shall be directly connected to and served by public water.

Administration and Enforcement

Section 701 General

701.A. Prohibited Acts - It shall be a violation of this Ordinance for any person to perform or commence the following without first complying with all applicable provisions of this Ordinance:

1. Lay out, construct, open, transfer, and/or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other purposes, when part of a subdivision or land development;
2. Sell, transfer or enter into an agreement to sell or transfer any land in or relating to a subdivision or land development;
3. Construct or erect any building or structure which constitutes a land development or which otherwise requires a land development or subdivision application; or
4. Commence site grading or site improvements associated with a land development or subdivision unless otherwise authorized by the Township.

Section 702 Enforcement of Security

The Township may enforce any security posted pursuant to this Ordinance for the construction of any required improvements which have not been constructed or installed in accordance with this Ordinance, the improvements agreement, or the conditions of approval. If the balance of the security is insufficient to pay the costs of installation, repair or correction of the required improvements, the Township may institute proceedings at law or in equity to recover sums spent or to otherwise secure the completion of the same.

Section 703 Township Not Engaged in Development

Township review and approval of an application or the subsequent observation and approval of required improvements, shall not constitute land development on behalf of or by the Township or otherwise cause the Township to be engaged in the process of land development. By submitting an application under this Ordinance, the developer hereby agrees to indemnify, defend, and hold harmless the Township and all its agents, servants, employees, officials and consultants of and from any and all claims, demands, causes of action or suits which arise out of or relate to the review, approval, construction or observation of the developer's application and required improvements.

Section 704 Developer Responsibility

Absent the receipt of a waiver approved by the Township in accordance with this Ordinance, the developer shall comply with the requirements of this Ordinance, the conditions of approval, the improvements agreement and all applicable ordinances, laws and regulations. The approval of an application or the construction of required improvements in violation of any of the above does not constitute a waiver or

otherwise absolve the developer of responsibility for full compliance with all of the requirements relative to a subdivision or land development.

Section 705 Erroneous Approval

- 705.A. Fraudulent, Misleading or Materially Inaccurate Information** - The approval of an application by the Township based upon any fraudulent, misleading or materially inaccurate information shall be voidable at the sole discretion of the Township.
- 705.B. Approvals in Violation of Ordinance** – Notwithstanding approval of the application by the Township, the developer shall not be relieved of the obligation to comply with all applicable ordinances, laws and regulations.
- 705.C. Remedies** – Upon discovery of an erroneous approval, as set forth in Subsections A or B above, the developer may be subject to the remedies contained in this Article and may be required to modify or revise the approved application to correct the defect. Unless authorized by the Township, the further processing of the application or performance of the work hereunder shall cease.

Section 706 Preventive Remedies

- 706.A.** In addition to any other available remedies, the Township may institute and maintain appropriate actions at law or in equity to:
1. Restrain, correct, or abate violations;
 2. Prevent unlawful construction;
 3. Recover damages, including but not limited to court costs and attorney fees; and
 4. Prevent illegal occupancy of a building, structure, or premises.
- 706.B.** The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- 706.C.** The Township may refuse to issue any permit, refuse to issue an approval, or revoke a permit or an approval that is necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to Article 5 of the MPC. This authority to deny or revoke such a permit or revoke approval shall apply to any of the following persons:
1. The owner of record at the time of such violation;
 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
 3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation; and

4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

706.D. As a condition for issuance of a permit or the granting of an approval to any such person identified in subsection 706.C above, the Township may require compliance with the conditions that would have been applicable to the property at the time the violation occurred.

Section 707 Enforcement Remedies

707.A. Any person who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day (5) following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

707.B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

707.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.

707.D. District Justices shall have initial jurisdiction in proceedings brought under this Section.

Section 708 Remedies Not Exclusive

The remedies available to the Township as set forth in this Ordinance shall not be deemed to be exclusive, and in addition to such remedies the Township shall have all other remedies available at law or in equity.

Section 709 Public Records and Waiver of Copyright

709.A. By making a submission under this Ordinance, the applicant acknowledges and agrees that all documents and other information submitted to the Township or its consultants pursuant hereto constitute public records within the meaning of the Pennsylvania Right to Know Law, Act 3 of 2008, as amended, and are subject to review and reproduction upon request in accordance with that Law and applicable Township ordinances and resolutions.

- 709.B.** To the extent that any documents or materials constitute public records but are subject to copyright protection pursuant to applicable law, the applicant and all of its agents, employees and consultants, by filing such documents with the Township pursuant to this Ordinance, shall be deemed to have waived all copyright protection and damages relating hereto. This waiver of copyright protection shall relate only to the reproduction and use of such documents in connection with the review, comment and analysis of the application.
- 709.C.** By making a submission under this Ordinance, the applicant hereby agrees to indemnify, defend and hold harmless the Township and all its agents, servants, employees, officials and consultants of and from any and all claims, damages, suits or causes of actions arising out of violations or allegations of violations of copyright law.

Section 710 Severability

The provisions of this Ordinance are severable, and should any Article, Section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such determination shall not affect the validity of the Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid to the extent of the invalidity.

Section 711 Repeal

The Subdivision and Land Development Ordinance of the Township of Upper Saucon, Ordinance No. 50, as enacted and ordained on June 24, 1975, and as subsequently amended, is hereby repealed in its entirety; provided, however, this repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity pertaining to any act done which constitutes or would have constituted a violation of that Ordinance. Except as otherwise provided in the MPC, the provisions of Ordinance No. 50, as amended, shall remain in full force and effect and are not repealed with respect to applications filed prior to the effective date of this Ordinance.

Section 712 Adoption and Effective Date

This Subdivision and Land Development Ordinance shall become effective five (5) calendar days after its enactment by the Board of Supervisors of Upper Saucon Township, County of Lehigh, Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this ____ day of _____, 2011, by the Board of Supervisors of the Township of Upper Saucon of Lehigh County, Pennsylvania, by a lawful session duly assembled.

BOARD OF SUPERVISORS OF UPPER SAUCON TOWNSHIP

By: _____
Chairman

Vice-Chairman

Supervisor

Supervisor

Supervisor

ATTESTED:

Secretary

