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ARTICLE I
GENERAL PROVISIONS

1.01 TITLE

This Ordinance shall be known and may be cited as the "Bald Eagle Township Subdivision and Land Development Ordinance."

1.02 PURPOSE

These regulations are intended to create conditions favorable to the health, safety, convenience, order, and general welfare of the citizens of the Township. In enacting these regulations, the Township Supervisors propose to accomplish the following specific objectives.

- A. To provide for harmonious development of the Township.
- B. To secure equitable processing of all subdivision plans by providing standard procedures for both subdividers and the Township.
- C. To encourage development consistent with plans for infrastructure capital improvements in the Township.
- D. To encourage development consistent with inter-municipal public improvement plans and programs.
- E. To secure the protection of natural resources and water supplies.
- F. To encourage the utilization of flood hazard areas in a manner that does not increase the flood hazard.
- G. To facilitate the rational movement of people and goods.

1.03 AUTHORITY AND JURISDICTION

The Bald Eagle Township Supervisors are vested by- law with the regulation of subdivision and land development located within the Township by Article V, Section 501, of the Pennsylvania Municipalities Planning Code (Act 170 of 1988).

No land development or subdivision of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

The authority for the control and regulation of subdivision and land development within the Township

shall be as follows:

- A. Approval by the Township Board of Supervisors: The Bald Eagle Township Board of Supervisors shall be vested with the authority to approve or disapprove all subdivision and land development plans.
- B. Review by the Township Planning Commission: The Bald Eagle Township Planning Commission hereinafter referred to as the Planning Commission, shall be vested with the review and evaluation of subdivision and land development plans.
- C. Review of the County Planning Commission: Plans for subdivision and land development located within Bald Eagle Township shall be submitted to the Clinton County Planning Commission for review and report. Said submission shall take place before approval of the Preliminary Plan by the Township. However, if a report is not received from the County Planning Commission within thirty (30) days after submission, the Township may proceed without the report.

1.04 DISCLAIMER OF LIABILITY

The approval of a subdivision or land development plan in which any portion of the subdivision or land development is within a floodplain shall not constitute a representation, guarantee, or warranty of any kind by the Township Planning Commission or by an official or employee of the Township as to the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials or employees.

1.05 CONFLICT WITH OTHER ORDINANCES

Where any provision of this Ordinance is found to be in conflict with the provision of any other ordinance or code of the Township, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail except as otherwise provided herein.

ARTICLE II **PLAT REQUIREMENTS**

2.00 GENERAL

It is the responsibility of the Subdivider or Developer to coordinate all plans with the public and private service agencies in the manner set forth in this Ordinance. No plan of any subdivision or land development shall be approved except in accordance with these regulations.

The applicant shall be entitled to a decision in accordance with the provisions of Bald Eagle Township ordinances as they stood at the time the plan was duly filed. No change or amendment of any zoning or subdivision ordinance applicable to the plan shall adversely affect the applicant due to the timing of submission.

2.01 SKETCH PLANS

- A. The Planning Commission may require the submission of a sketch plan for review prior to the formal filing of a plan. Sketch plans are optional and are useful for informal discussion between the developer and the Planning Commission and shall not constitute formal filing of a plan. Applicants are further encouraged to contact the Clinton County Conservation District prior to the submittal of any sketch plan for any information or guidance needed for the plan.
- B. Sketch plans should be legible and show the following data:
 - 1. Name of owner of the tract, municipality and date.
 - 2. North arrow and approximate scale.
 - 3. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract.
 - 4. Location sketch, showing the relation of the tract to the road and highway system of the area.
 - 5. General street and lot layout, location of existing and proposed buildings, soils tests sites, septic systems or sewers, water mains or wells, utilities, streets and parking areas, rights-of-way and easements, and watercourses and other significant natural features.
 - 6. Use of County GIS aerial maps are encouraged to be used for the sketch map or plan provided the information noted above is added.
 - 7. Sketch plans may be submitted in either paper or digital formats.
- C. The Subdivider or Developer may request that members of the Planning Commission inspect the property before the presentation of the Preliminary Plan. Based on a site visit and sketch plan, the Commission will advise the Subdivider of the extent to which the sketch plan conforms to the design standards of this Ordinance. The Commission may also suggest any modifications deemed advisable or necessary to secure conformance.

2.02 MODIFIED PLAN FOR MINOR SUBDIVISIONS

- A. Minor subdivisions, defined as three (3) or fewer new lots requiring no new street or right of way, require submission of a Modified Plan only.
- B. Six (6) copies of the Plan shall be submitted to the Planning Commission. The Plan and all other material and information shall also be submitted in digital format. The paper copies of the Plan can be either black and white or blue and white prints. The sheet size shall be either 18" x 24" or 24" x 36". The scale shall not exceed one hundred (100) feet to the inch. In addition the developer is also encouraged to provide reduced copies that are 8 ½" x 11".

C. The Modified Plan shall include the following data:

1. Title block, containing the name of the owner, municipality, date, scale, and certification with seal by a registered surveyor.
2. Location map, showing the relation of the tract to adjoining properties, the road and highway system; municipal boundaries, and including an area extending at least one-half (1/2) mile from the subdivision parcel boundaries.
3. Tract boundary sketch, showing the location in relation to the entire tract and the names of owners, of all adjoining property, and of all abutting subdivisions.
4. North arrow, perimeter boundaries showing bearings, proposed lot lines, dimensions of areas to be dedicated to public use, and building setback lines; total number of parcels or dwelling units, including a numbering system to identify each lot, approximate area of each lot, total acreage, and existing zoning classification.
5. Location of all existing streets, rights-of-way, and easements on, or adjacent to, the tract.
6. Location and size of existing sewers, water mains, and culverts, buildings, transmission lines, existing and proposed utilities, fire hydrants, and other significant man-made features.
7. Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.
8. Location of wetlands, sinkholes, and the 100-year floodplain.
9. Location of slopes in excess of fifteen (15) percent. (See Section 4.13).
10. Wooded areas and other significant natural features.
11. County GIS aerial maps are encouraged to be included as a supplement to the Modified Plan provided the information noted above is added.

D. The following shall be submitted with the Plan:

1. Review fee.
2. Copies of proposed deed restrictions, if any.

2.03 PRELIMINARY PLAN

- A. Approval of the Preliminary Plan represents approval of the character and intensity of development, and the arrangement and approximate dimensions of streets, lots, and other

planned features. The approval binds the Subdivider to the general scheme of the subdivision shown and permits the Subdivider to proceed with final detailed design of improvements and with preparation of the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots nor the recording of the Preliminary Plan, nor constitute approval of the Final Plan.

- B. Six (6) copies of the Preliminary Plan and two (2) copies of all other material and information required by this Ordinance shall be submitted to the Commission with a letter of intent. The Plan and all other material and information shall also be submitted in digital format. The copies can be either black and white or blue and white prints. The sheet size shall be either 18" x 24" or 24" x 36". The scale shall not exceed one hundred (100) feet to the inch. In addition the developer is also encouraged to provide reduced copies that are 8 ½" x 11".
- C. The Preliminary Plan shall show the following data:
1. Title block, containing the name of the owner of the tract, municipality, date, scale, and certification with seal by a registered professional land surveyor.
 2. Location map, showing the relation of the tract to adjoining properties, the road and highway system, municipal boundaries, and including an area extending at least one-half (1/2) mile from the subdivision parcel boundaries.
 3. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract and the names of owners of all adjoining property and of all abutting subdivisions.
 4. North arrow, perimeter boundaries showing bearings and distances of the area to be developed, proposed lot lines, dimensions of areas to be dedicated to public use, and building setback lines; total number of parcels or dwelling units, including a numbering system to identify each lot, approximate area of each lot, total acreage, and existing zoning classification.
 5. Location and width of all existing or proposed streets, rights-of-way, parking areas, and easements on or adjacent to the tract, including right-of-way and pavement widths and street names. Duplication of existing street names within the municipality shall be avoided.
 6. Location and size of existing and proposed sewers, water mains, and culverts, buildings, transmission lines, existing and proposed utilities, fire hydrants, and other significant man-made features.
 7. Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.
 8. Location of wetlands.
 9. Existing watercourses, floodplains, wooded areas and other significant natural

features. The boundary of the floodplain shall be shown utilizing the Flood Insurance Study for the municipality. The 100 year food elevation shall be provided.

10. Topographic contours at vertical intervals of a minimum of five (5) feet with benchmark.
11. County GIS aerial maps are encouraged to be included as a supplement to the Preliminary Plan provided the information noted above is added.

D. The following shall be submitted with the Preliminary Plan:

1. Review fee and inspection fees. A supplemental fee may be charged for consultant review of major land development or where special studies are required.
2. Copies of proposed deed restrictions, if any.
3. Cross-sections and centerline profiles for each proposed street and preliminary designs of proposed bridges and culverts.
4. Sketch of proposed street layout for the remainder of the affected parcel where the Preliminary Plan covers only part of the subdivider's holdings.
5. A description of the means of sewage disposal, including the DER Sewage Facilities Planning Module. See Section 4.11.
6. A description of the water supply and, where appropriate, on-lot well testing or approval letters issued for water supply systems. See Section 4.14.
7. An Erosion and Sedimentation Control Plan to be in effect during construction of the proposed subdivision.
8. A Stormwater Management Plan where slopes exceed eight (8) percent and where other conditions exist as specified in Section 4.07 of this Ordinance.
9. Where street or driveway access to a State highway is needed, a statement that a Highway Occupancy Permit is required.
10. Other documentation and certificates of approval from the proper authorities as may be required, including but not limited to environmental, earth disturbance and logging permits through the Clinton County Conservation District or other applicable agency.
11. A statement that the landowner acknowledges and consents to the presentation of the plan, including the signature of the landowner.

12. Estimated costs of all proposed or required improvements.
13. The Planning Commission or the Board of Supervisors may request that a traffic study be completed as part of the Preliminary Plan submitted for projects that may have more than an incidental impact on adjacent roads.

2.04 FINAL PLAN

A Final Plan is not required, in the following cases:

- A. Where the developer proposes no site improvements.
- B. Where improvements have been installed in accordance with a previously-approved Preliminary Plan.

A Final Plan is required of all other cases:

- A. The Final Plan shall conform in all respects with the approved Preliminary Plan. Otherwise, the plan submitted shall be considered as a revised Preliminary Plan.
- B. The applicant shall have a period of five (5) years from the date of preliminary approval in which to submit a Final Plan, unless an extension of time is requested and granted in writing.
- C. The Final Plan may be submitted in sections or phases, each concerning a portion of the entire subdivision or land development.
- D. Six (6) copies of the Final Plan and two (2) copies of all other materials and information required by this Ordinance, shall be submitted to the Planning Commission with a letter of intent. The Plan and all other material and information shall also be submitted in digital format. The copies of the Final Plan can be either black and white or blue and white prints. The sheet size shall be 18" x 24". The Final Plan shall be at a scale not to exceed one hundred (100) feet to the inch. In addition the developer is also encouraged to provide reduced copies that are 8 ½" x 11".
- E. The Final Plan shall show the following data:
 1. Title block, containing the name of the owner of the tract, municipality, date, scale, and certification with seal by a registered professional land surveyor.
 2. Location map, showing the relation of the tract to adjoining properties, the road and highway system, municipal boundaries, and including an area extending at least one half (1/2) mile from the subdivision parcel boundaries.
 3. Tract boundary sketch, showing the location of the proposed development in relation to the entire tract and the names of owners of all adjoining property and all

adjacent subdivisions.

4. North arrow, boundary lines by bearings and distances which provide survey of the area to be developed, closing with an error of not more than one (1) foot in five thousand (5,000) feet.
 5. Proposed lot lines by their courses and distances showing bearings to the nearest second and distances to nearest one-one hundredth of a foot, dimensions of areas to be dedicated to public use, and building setback lines; total number of parcels or dwelling units, including a numbering system to identify each lot, acreage of each lot, total acreage, and existing zoning classification.
 6. Location and final design and dimension of proposed streets, rights-of-way, parking areas, and easements on or adjacent to the tract, including bearings and distances of rights-of-way and easements, pavement widths and street names.
 7. Location and final design of proposed sewers, water mains, culverts, buildings, transmission lines, fire hydrants, and other significant man-made features.
 8. Soil percolation test sites and/or deep test pit sites, except where public sewers are provided.
 9. Existing watercourses, floodplains, wooded areas and other significant natural features.
 10. Topographic contours at vertical intervals of a minimum of five (5) feet with benchmark.
- F. The following information, data, and documents shall be submitted with the Final Plan:
1. Corrected and updated material from the Preliminary Plan.
 2. Review fee.
 3. Copies of proposed deed restrictions, Right-of-Way Use and Maintenance Agreements.
 4. Final cross-sections and centerline profiles for each street, and final designs of bridges and culverts.
 5. Documentation, in accordance with Section 4.11 of this Ordinance, that the subdivider has adequately planned for sewage disposal, including final designs of sewerage systems.
 6. Documentation in accordance with Section 4.13 of this Ordinance that the subdivider has adequately planned for water supply. Where appropriate, such as

approval letters or permits issued by the local water authorities, the Department of Environmental Protection or the P.U.C. for water supply systems, and final designs of such systems.

7. Final designs of any stormwater control improvements, and related documentation required in accordance with Section 4.07 of this Ordinance.
8. Highway Occupancy Permit, where applicable.
9. Other documentation and certificates of approval from the property authorities as may be required, including but not limited to environmental, earth disturbance and logging permits through the Clinton County Conservation District or other applicable agency.
10. Where appropriate, one of the following for guaranteeing improvements for the total tract or for designated phases:
 - a. a certification from the Township Engineer that the improvements have been inspected and found to be installed in accordance with specifications; or
 - b. a guarantee in the form of a bond, certified check or other security satisfactory to the Board of Supervisors and the Township Solicitor.
11. A notarized statement signed by the landowners that those signing are the owners of the property shown on the plan and that they desire the same to be recorded. This must be dated following the last revision to the said plan.

ARTICLE III **PLAN PROCESSING PROCEDURE**

3.00 GENERAL

The Pre-Application Sketch Plan review specified in Section 2.01 is optional.

The Preliminary Plan specified in Section 2.02 is mandatory for all subdivisions and land development. Approval of the Preliminary Plan authorizes the construction of specified public improvements and the preparation of Final Plans.

The Final Plan specified in Section 2.03 is mandatory for all subdivisions and land development except those determined to be minor. The Final Plan will have incorporated all the changes and modifications required by the Board of Supervisors. Approval of the Final Plan authorizes the recording of the plan, construction of buildings and selling of land.

3.01 MINOR SUBDIVISIONS

Minor Subdivisions consisting of three or fewer new lots requiring no new street and no right of

way need only submit a Modified Plan, the Plat Requirements of which are specified in Section 2.02 of this Ordinance. Plan Processing procedures set forth in Section 3.02 apply to such minor subdivisions.

3.02 PRELIMINARY AND FINAL PLAN PROCEDURES

A. Filing:

The Applicant, at least ten (10) days prior to the meeting of the Planning Commission at which consideration is desired, shall file with the Township Secretary or such other person designated by the Board of Supervisors six (6) copies of a preliminary plat of the proposed layout of the Subdivision or Land Development. A plan shall be considered filed upon receipt by the Township Secretary or such other person designated by the Board of Supervisors of all required materials including review fees.

B. Distribution:

Immediately upon receipt of the plan proposed for either preliminary or final approval the Township Secretary or such other person designated by the Board of Supervisors shall forward one copy of the plan to the County Planning Commission, who shall submit a report advising the Township of its recommendations within thirty (30) days. If a report from the County Planning Commission is not received the report shall be presumed to be in support of the proposed plan.

The Commission may submit copies of the plan for review to the Township Engineer, Township Sewage Enforcement Officer, the Clinton County Conservation District, local fire companies, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation and other public agencies and adjacent municipalities as appropriate.

C. Action By Commission and Board of Supervisors:

Before taking final action on any plan, the Planning Commission may receive the advice of the Township Engineer regarding all engineering data including percolation tests, septic systems, water supply, utilities and any other pertinent data described in Sections 2.02 and 2.03.

Upon review of all information, the Planning Commission shall make recommendations for approval, approval with modifications or disapproval and communicate such recommendations to the Board of Supervisors. Such review and recommendation shall take place at a scheduled public Planning Commission meeting.

The Board of Supervisors shall determine whether the preliminary or final plan shall be approved, approved with modifications, or disapproved, and shall notify the Applicant in writing thereof, including, if approved with modifications or disapproved, a statement or reasons for such action and return a copy of the plan to the Applicant no later than (15) days following the decision.

The Board of Supervisors shall render its decision and communicate it to the Applicant in writing not later than ninety (90) days after such application is filed.

3.03 RECORDING OF FINAL PLAN

- A. Upon notification of approval of the Final Plan, the developer or owner shall record one (1) copy of the approved plan in the office of the Clinton County Recorder of Deeds Office within ninety (90) days after approval of the Final Plan. Should the developer fail to record the Final Plan within such ninety (90) day period, the approval of the Board of Supervisors shall be null and void unless an extension of time is requested by the developer or owner in writing and is granted by the Board of Supervisors before the expiration date. The Final plans shall be filed with the Clinton County Recorder of Deeds Office before proceeding with the sale of lots or construction of buildings.
- B. Recording the Final Plan after approval by the Board of Supervisors shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations the developer as herein after provided. The approval of the Board of Supervisors shall not impose any duty upon the municipality concerning maintenance or improvement of any such dedicated streets, parks, areas or portion of same until actual appropriation of the same by ordinance or resolution, or by other means authorized by law.

3.04 RE-SUBDIVISION PROCEDURES

For any replotting or re-subdivision or redevelopment of land, the same procedure, rules, and regulations shall apply as prescribed herein for the original subdivision or land development.

3.05 PROCEDURE

- A. General Requirements
 - 1. Improvements required by the Planning Commission may include streets, sanitary sewers, water supply systems, stormwater controls, utilities, or other such improvements necessary to development of the site.
 - 2. Improvements shall be installed by the developer prior to Final Plan approval, or a suitable guarantee shall be provided which shall ensure installation of the improvements by the developer at the standards set forth in these regulations. The Final Plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed and inspected and determined to be in a satisfactory state of repair, or a suitable guarantee for installation and maintenance is provided.
 - 3. In case of a phased development, Final Plans may be submitted and improvements may be installed on a phase-by-phase basis.
 - 4. The Township shall designate its Engineer or other designee to approve final design and inspect the installation of improvements.

5. The Board of Supervisors by resolution may establish review and inspection fees covering the cost of review by the Township officials and any inspections that may be required under these regulations. All estimated fees shall be paid by the developer at the time of application and all remaining fees shall be paid with the request for Final Plan approval.

B. Improvement Guarantee

1. In lieu of completion of all improvements required as a condition of Final Plan approval, the applicant shall file with the Township financial security which may consist of an irrevocable letter of credit, a restricted or escrowed bank account or acceptable performance bond. The amount of the financial security shall be determined by the Board of Supervisors as permitted by law, taking into account the cost of the improvements as estimated by the Township Engineer. The form of financial security shall be approved by the Board of Supervisors and the Township Solicitor.

For phased development, financial security in lieu of improvement completion need cover only the phase for which Final Plan approval is sought.

Such financial security may be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

2. Should the completion of the required improvements require more than one (1) year, the Board of Supervisors may increase the amount of financial security by an additional ten percent (10) percent for each one (1) year period beyond the first anniversary date of the posting of the original security unless a different percentage is suggested by the Township Engineer due to the rise in the cost of construction..
3. If a development is projected over a period of years, the Planning Commission and/or Board of Supervisors may authorize submission of plans by phases, which shall be subject to such requirements or guarantees as the Commission or Board deems essential for the protection of any finally approved section of the development.

C. Release from Improvement Guarantee

1. The Board of Supervisors may authorize the release to the developer of such

portions of the security necessary for payment to the contractor or contractors performing the installation of required improvements. Any request for the release of funds shall be in writing to the Board of Supervisors which shall have forty-five (45) days from receipt of the request to authorize its engineer to complete inspection of and certify, in writing, that the improvements to be covered by the funds have been completed satisfactorily.

2. Under certain conditions the Board of Supervisors may agree to other procedures for the release of portions of any posted financial security so long as the work has been done in accordance with the terms of plan approval.
3. When all necessary improvements have been completed the developer shall notify the Township in writing by certified or registered mail of said completion. The Board of Supervisors shall, within ten (10) days after receipt of such notice, authorize final inspection by its engineer of the aforesaid improvements. A report shall be made in writing by certified mail to the developer within thirty (30) days of the inspection authorization and shall indicate approval or rejection of the completed improvements.
4. Upon approval of the completed improvements, the Township shall release to the developer those funds remaining in the financial security deposit including all interest accrued thereunder. Prior to release of such funds, the developer shall guarantee in writing the structural integrity of the improvements for a period of one (1) year.
5. If any portion of the completed improvements shall be found not satisfactory, the aforementioned written report shall contain a statement of reasons for rejection. The developer shall proceed to correct or complete those improvements and upon completion shall notify the Township by those procedures contained in this Section.
6. If financial security has been provided in lieu of the completion of improvements required as a condition for the Final Plan approval as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

D. Dedication of Improvements

1. Where the subdivider proposes to dedicate improvements to the municipality, a deed, which dedicates the land and such improvements to the municipality and is duly signed by the subdivider and Township Supervisors, shall be recorded with the Final Plan. In accepting the deed of dedication and approving the Final Plan, the municipality accepts ownership and maintenance responsibility for the improvements shown on the Final Plan.
2. Where the Township accepts dedication of all or some of the required improvements, the Board of Supervisors may require up to fifteen (15) percent of the actual cost of improvements for financial security to insure the structural integrity of those improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication.
3. The Board of Supervisors may approve a Final Plan without an offer of dedication of streets or other improvements, provided that such improvements are noted as private on the Final Plan. The subdivider shall also be required to provide a notice in each deed, lease, or conveyance setting forth an arrangement between the subdivider and buyer or lessee for maintenance of any such improvements.

3.06 FEE SCHEDULE

- A. All fees shall be payable to Bald Eagle Township. These fees are designed to cover part of the costs of plan review services provided by the Bald Eagle Township officials.
- B. The Township Supervisors shall establish by resolution a standard schedule of fees for review of all subdivision or land development proposals.
- C. An additional review fee may be charged to the developer to cover the Township's consultant or engineer fee. This may apply in the review of a large land development or where special environmental studies are required.
- D. Inspection fees, if any, shall be reimbursed to the Township by the developer. Such fees shall be reasonable and shall represent the necessary expense of the Township Engineer or other designee for inspection of installed required improvements.

ARTICLE IV **DESIGN AND CONSTRUCTION STANDARDS**

4.00 GENERAL

The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Township ordinances or regulations impose more restrictive standards and requirements than those contained herein, the more restrictive shall apply.

4.01 SUITABILITY OF LAND

Land subject to hazards to life, safety, health or property (including flooding or steep slopes) shall not be subdivided or developed for use until such hazards have been eliminated or unless adequate safeguards against such hazard are provided for in the Subdivision and Land Development Ordinance.

4.02 STREETS

A. Street Classification

1. The State Highway System includes all public roads operated and maintained by the Pennsylvania Department of Transportation (PennDOT).
2. The Municipal Street System includes all public roads maintained by Bald Eagle Township. Developers proposing public dedication of streets within a subdivision or development shall submit road design and construction plans. A deed which dedicates to the Township the land to be used as a public street shall be recorded with the Final Plan provided the Board of Supervisors has accepted the offer of dedication.
3. Private streets include all streets not dedicated, accepted, and maintained by the Township as public streets. Private streets may be permitted where the following conditions can be met:
 - a. A survey of the centerline of the private right-of-way shall be shown on the plot plans along with a notation identifying the street and right-of-way as being private.
 - b. The developer shall provide a Right-of-Way Use and Maintenance Agreement in each deed, lease, or conveyance prescribing a right-of-way width and location and setting forth an arrangement between the developer and buyer or lessee for improvement and maintenance of the private right-of-way.
 - c. Where an existing private right-of-way is proposed, the developer shall provide a Right-of-Way Use and Maintenance Agreement signed by all property owners using the right-of-way if such an Agreement has not been previously included in the existing deeds. This Agreement shall be recorded with the Final Plan and prescribe a right-of-way width and location and state the level and manner of intended maintenance of the private right-of-way.

B. Street Definitions

Private. A road whose function is to provide access to no more five (5) abutting properties. It is not dedicated, accepted or maintained as a public street. It conforms to the conditions of Section 4.02 A3 of this Ordinance.

Local. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve no more than twenty-five (25) dwelling units and can handle approximately two hundred (200) trips per day.

Collector. A street whose principal function is to carry traffic between local and arterial streets but that may also provide direct access to abutting properties. It is designed to carry two hundred to eight hundred (200-800) trips per day.

Arterial. A major street that serves as an avenue for traffic into and out of the Township and carries high volumes of traffic.

C. Access

1. In order to protect the public safety, the Planning Commission may restrict access onto a public street or highway to specific locations shown on the plot plan.
2. Any subdivision or land development plan proposing any new public or private streets or any new driveway(s) accessing a state highway shall contain a notice that a Highway Occupancy Permit must be issued by PennDOT before construction of access onto the state highway can be initiated. Additionally, the Subdivider or Developer must submit a copy of the Permit issued by PennDOT prior to subdivision approval.
3. Subdividers or Developers proposing any new public or private streets or any new driveway(s) accessing onto a Township road shall contain a notice that a Zoning Permit must be issued by the Township Zoning Officer before construction of access onto the municipal road can be initiated. A copy of the Highway Occupancy Permit must be submitted prior to subdivision approval.

D. Street Pattern

1. All subdivision plans shall extend or continue existing rights-of-way at a width no less than required by the adopted minimums, as specified by this Ordinance.
2. Local streets within a new development or subdivision shall be laid out to discourage through traffic. Local streets shall generally not provide access to more than twenty-five (25) lots, shall be laid out to discourage short cuts to streets or property beyond the subdivision, and shall minimize traffic speeds using appropriate posting. However, provision for the extension and continuation of collector streets into and from adjoining areas shall be required.
3. Where a subdivision or land development abuts or contains an existing or proposed collector street, the Planning Commission may require marginal access streets, reverse frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and

separation of local and through traffic.

4. If the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings for such an eventuality shall be provided.

E. Street Design

1. All streets proposed for dedication to the municipality and all private roads shall meet the design requirements of the current Guidelines' for Design of Local Roads and Streets as published by PennDOT.
2. Minimum right-of-way, cartway widths and street grades are shown in Table 1.
3. All private and public streets shall be provided with a leveling area having a grade of no more than four (4) percent for a distance of twenty-five (25) feet measured from the edge of the shoulder or curb of the intersecting street.

F. Intersections

1. Streets shall be laid out as to intersect as nearly as possible at ninety (90) degree angles. Multiple intersection involving the junction of more than two (2) streets shall be avoided whenever possible.
2. Property lines at intersections shall be rounded with radii at thirty-five (35) feet for local streets and fifty (50) feet for collector streets.
3. Streets entering opposite sides of another street shall be laid out directly opposite each other; or if necessary, or where encouraged by the Commission or Board, they shall be separated by at least one hundred and fifty (150) feet between centerlines, measured along the intersected thoroughfare.
4. Intersections along collector and arterial streets shall be located not less than eight hundred (800) feet apart between centerlines.
5. At all street intersections no obstruction to vision exceeding thirty (30) inches in height above the established grade of the street at the property line shall be erected or maintained on any lot within a triangle formed by a line drawn between points along adjacent street centerlines located seventy-five (75) feet distant from their point of intersection.

G. Cul-de-sac Streets

1. Cul-de-sac streets shall be provided with a turnaround as described below and shall not exceed eight hundred (800) feet in length nor serve more than twenty (20) lots or dwelling units, whichever is less.

2. Cul-de-sacs shall be graded and surfaced in like manner of the street and shall have a minimum right-of-way diameter of one hundred (100) feet.
3. Dead-end streets require cul-de-sacs.
4. Any street dead-ended for access to an adjoining property, or because of phased development, shall be provided with a temporary all-weather turnaround.
5. Innovative alternatives to the standard circular turnaround may be permitted by the Township on a case-by-case basis where an equivalent turnaround is provided and provided the alternative does not add to or effect Township maintenance and related costs.

H. Driveways

1. All proposed lots or land development shall be situated in such a fashion so that safe driveway access onto a public or private road can be provided in accord with Table 2:
2. In a situation where significant safety hazards exist, such as excessive slope or areas of extremely limited sight distance, the Planning Commission or Board of Supervisors may require, prior to granting final approval, that the developer place a deed restriction on the lot requiring clear sight guideline compliance as described in section F.(5) above when a driveway is proposed for construction.

I. Street Names and Signs

1. The Planning Commission shall approve street names at the time of Preliminary Plan approval. The County GIS Office shall be consulted in this regard. Names shall be different in sound and in spelling from other road names in the Township so as not to cause confusion. A road which is planned as a continuation of an existing road shall bear the same name.
2. The Subdivision or Land Development shall be provided with street name signs at all intersections. Such signs shall conform to Township specifications and shall be installed at the expense of the Subdivider or Developer..

4.03 SIDEWALKS

Wherever the lots in a proposed Subdivision or Land Development will result in a density of four (4) or more families per net acre, or where multi-family dwellings are provided, or where any type of commercial or industrial use is proposed or located, sidewalks shall be installed.

4.04 BLOCKS

- A. The length, width and shape of blocks shall be determined with due regard to:
 - 1. Provision of adequate sites for buildings of the type proposed.
 - 2. Topography.
 - 3. Requirements for safe and convenient circulation of vehicular, pedestrian, bicycle and other modes of transportation.
- B. Blocks should have a maximum length of sixteen hundred (1,600) feet, and so far as practicable, a minimum length of five hundred (500) feet. In the design of blocks longer than eleven hundred (1,100) feet, special consideration shall be given to the provision of satisfactory fire protection.

4.05 BUILDING LINES

The minimum building line, measured from the required right-of-way line, shall be as stated in the Bald Eagle Township Zoning Ordinance. Where on-lot sewage disposal is indicated, the distance from the right-of-way line to the building line shall be adequate to provide area for the on-lot drainage field to be located in accordance with all applicable DEP regulations. For other than residential lots, the Commission or Board may require additional setbacks

Corner lots shall have extra width to permit the appropriate building setback from both streets.

4.06 LOT SIZE

Lot size shall be controlled by the provisions of the Bald Eagle Township Zoning Ordinance.

4.07 STORMWATER MANAGEMENT

- A. General Requirements
 - 1. All land development requires an Erosion and Sedimentation Control Plan for controlling erosion during the construction phase.
 - 2. A Stormwater Management Plan must be submitted for the following land development:
 - a. sites with slopes which exceed eight (8) percent
 - b. multi-family residential development
 - c. mobile home parks
 - d.- commercial development
 - e. industrial development

3. The Planning Commission and/or Board of Supervisors may request that the Clinton County Conservation District review and comment on Stormwater Management Plans. All Stormwater Management Plans shall be responsive to the suggestions of the Conservation District.
4. All subdivision and land development proposals shall meet the requirements of the local Watershed Stormwater Management Plan in effect or hereinafter adopted.

B. Plan Requirements

1. The Erosion and Sedimentation Control Plan shall be prepared by the Developer or a knowledgeable designee who shall consider the potential for accelerated soil erosion resulting from construction, high density development, or steep slopes. Soil erosion and sedimentation control measures shall be designed to protect existing vegetation and minimize the area and time of soil exposure, and may include structural improvements to the site such as diversion terraces, grassed waterways and sedimentation basins. The plan must comply with the most recent DER regulations or guidelines for soil erosion and sedimentation control in effect.
2. The Stormwater Management Plan for the proposed subdivision or land development shall include a brief description of:
 - a. existing drainage patterns and stormwater runoff characteristics of the site, including any existing drainage or stormwater runoff problems and facilities;
 - b. the anticipated impact that future development of the property will have on existing stormwater runoff and drainage patterns; and
 - c. the type of structural and nonstructural improvements planned to control post development stormwater runoff.
3. The proposed location of structural and nonstructural improvements shall be shown on the plot plan. The Planning Commission and Board may also require the Developer to include contours on the plot plan in order to better evaluate the proposed stormwater control techniques.
4. Separate, detailed specifications, including cross-sections, profiles, etc., shall be submitted for all structural stormwater control improvements, such- as swales, seepage pits, and retention and detention basins.
5. The Stormwater Management Plan shall include a proposal for ownership and maintenance of all stormwater control improvements as follows:
 - a. Where the Developer proposes to dedicate such improvements to the municipality, a deed which dedicates the land to be used for stormwater control improvements to the municipality shall be recorded with the Final Plan provided

the Board of Supervisors has agreed to accept the dedication. A copy of the deed and a letter from the Township stating their intent to accept ownership and maintenance responsibility shall be submitted with the subdivision or land development plan.

- b. If the stormwater control improvements are to remain under private ownership, an Ownership and Maintenance Agreement, which specifies ownership and assigns maintenance responsibility for the proposed improvements to either the Developer or among property owners within the subdivision or development, shall be recorded with the Final Plan and referenced in the deeds to each property within the subdivision or development.

C. Design Standards

1. Stormwater management controls shall be designed so that the peak rate of runoff during and after construction shall be no greater than the peak rate of runoff prior to development.
2. Improvements shall slow the rate of runoff, unless otherwise required by the local Stormwater Management Plan in effect. Such improvements may include, but are not limited to, deed covenants which restrict the allowable impervious area on each lot, the provision of drainage easements, parabolic swales, seepage pits, and detention and retention basins.
3. Specifications for proposed stormwater improvements shall be evaluated by the Township Engineer, in consultation with the County Conservation District, on a case-by-case basis.
4. The site plan shall feature retention of existing vegetation to the greatest extent possible.
5. Designs shall promote the protection of existing vegetation, trees and wetlands and the underground installation of all utilities. Designs shall further prohibit excess earth disturbance and adverse groundwater impacts.

4.08 DRAINAGE EASEMENTS

Where a subdivision or land development is traversed by a water course, drainageway, channel, or stream, there shall be a drainage easement conforming substantially with the line of such drainageway and of such width as will be adequate to preserve the unimpeded flow of natural drainage without damaging adjacent property. Drainage easements shall also be provided for the maintenance and protection of storm sewers and other storm water management facilities. Easements shall permit necessary public or private channel maintenance or improvement work and access of equipment.

Land development shall be kept a minimum of fifty (50) feet from the bank of the drainageway.

Soil disturbance shall be prohibited within this area.

4.09 UTILITIES

A. Utility Easements

The width and location of utility easements shall be as specified by the particular utility company. To the maximum extent possible easements shall be centered on or located adjacent to side or rear property lines or adjacent to the street right-of-way in the front yard. If feasible, utility easements may also be located within the street right-of-way.

B. Underground Installation

Utilities including electric, telephone and cable lines, shall be installed underground in accord with the Pennsylvania, Public Utility Commission (PUC) Regulation 52 PA Code Section 57.82. Underground utilities are not required for any of the following situations:

1. For a residential subdivision of fewer than five (5) lots bordering an existing street which is presently served by overhead utility service.
2. For service to a commercial or industrial development.
3. For a project where a variance under the above cited Regulation has been granted by the Pennsylvania PUC.

- C. The width of utility easements shall be as specified by the particular company. Developers may be required to provide the Planning Commission and Board of Supervisors with documentation from the utility companies involved as to the adequacy of utility easements.
- D. To the fullest extent possible, easements for public utilities shall be centered on side or rear lot lines.
- E. Where natural gas, petroleum, or high tension lines are located within or adjacent to the Subdivision or Land Development, the subdivider shall contact the Utility Company involved to determine any special conditions that may be required.
- F. Whenever a developer installs or causes to be installed any utility line, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the Township with a copy of As-built Drawings. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

4.10 LANDSCAPING

- A. Protection of Natural Features - The proposed development shall avoid excessive earth

moving, tree clearance, and destruction of natural amenities. Natural features such as streams and woods shall be preserved and incorporated into the design of the development. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction. The location of such natural features must be considered when planning the location of buildings, underground services, walks, paved areas, streets and roads, stormwater improvements and finished grade levels.

- B. Existing Wood Areas - Existing hedgerows and wooded areas shall be protected to prevent injury during construction. Healthy trees with a caliper of six (6) inches or more as measured at a height of four and one-half (4 1/2) feet above existing grade, shall not be removed unless they are located within fifteen (15) feet of any planned improvement. In areas where trees are retained, the original grade level shall be generally maintained so as not to disturb the trees.
- C. Perimeter Screening at Certain Zoning Boundaries - A planted buffer yard of fifty (50) foot width shall be required where any proposed non-residential use abuts a predominantly residential area. Such screening requirements are specified in Article IX of the Zoning Ordinance.
- D. Buffer Yards consisting of trees may be required where adjacent land uses are deemed incompatible by the Planning Commission or Board of Supervisors.

4.11 SEWAGE FACILITIES

- A. Sewage facilities shall be designed in accordance with regulations and standards of the Township Sewage Enforcement Officer (SEO) and the Pennsylvania Department of Environmental Protection (DEP). Planning modules must be approved by DEP. The Township SEO cannot issue permits without the DEP approved module.
- B. High-Density Development - Where four (4) or more units per acre are proposed, sanitary sewage facilities shall connect with the public sanitary sewage system. Sewers shall be installed to serve each lot and/or unit. Grades and sizes shall be as required by the Township and shall also meet any requirements of the applicable Sewer Authority. No on-lot septic or centralized disposal systems shall be permitted. Sanitary sewerage facilities including laterals in the right-of-way shall be subject to the specifications, rules, regulations, and guidelines of the Township Engineer and DEP.
- C. Low and Medium Density Development - Where three (3) or fewer units per acre are proposed, sanitary sewage systems shall be constructed as follows.
 - 1. Where the public sewage system is reasonably accessible, the applicant shall connect with the system and provide sewers accessible to each lot/unit in the development.
 - 2. Where the public sewage system is not reasonably accessible but will become available within ten (10) years, the applicant may choose one of the following

alternatives:

- a. Central sewage system, the maintenance cost to be assessed against each property benefited. Where plans for future public sanitary sewerage systems exist, the applicant shall install the sewer lines, laterals, and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains; or
 - b. On-lot septic systems, provided the applicant shall install sanitary sewer lines, laterals, and mains from the street curb to a point in the development boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready for installation of the public sewer system, and shall be ready for connection to such public sewer main.
3. Where the public sanitary sewage system is not reasonable accessible and will not become available within ten (10) years, the applicant may choose one of the following alternatives:
- a. Central sewerage system, the maintenance cost to be assessed against each property benefited. Lots between ten thousand (10,000) and twenty thousand (20,000) square feet shall be required to use this option where no public sewers are available.
 - b. On-lot septic systems, except for lots smaller than twenty thousand (20,000) square feet.
 - c. All central sewage systems or on-lot septic systems shall be designed to conform with the applicable regulations under the Sewage Facilities Act or other laws and shall be reviewed and deemed viable by the Township SEO as part of the plan approval.
- D. Mandatory Connection to Public Sewer System – If public sewer facilities are accessible and on-lot systems are proposed, developers of new structures shall be required to connect to the public sewer for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain an on-lot sewage disposal system. An accessible public sewer is one which is placed in a street or alley abutting the property or is within 200' of the property.
- E. Individual Disposal System Requirements - If public sewer facilities are not accessible and on-lot systems are proposed, minimum lot areas shall conform to the requirements of the Zoning Ordinance and any applicable state law or regulation. Percolation tests and test holes shall be made as directed by and submitted to the Pennsylvania Department of Environmental Protection (DEP) as directed by the Township SEO. The on-lot systems

including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall also be approved by the Sewage Enforcement Officer.

4.12 SEVERE SOILS LIMITATIONS

For development involving building construction or the use of on-lot sewage disposal systems on lands with soils characterized by "severe limitations" in the current Clinton County Soil Survey, the Developer shall prepare the following:

- A. For development of hillsides, the Developer shall prepare the following:

Development plans shall show the location of steep (15-25%) and severe (greater than 25%) slope areas. These areas may be delineated from U.S. Geological Survey topographic maps, or if a greater level of detail is requested by the Commission or the Board, a field survey compiled by a registered land surveyor, engineer, landscape architect or geologist may be required.

- B. The following protection requirements shall be required for all subdivision and land development activity in steep and severe slope areas:

1. **Erosion and Sedimentation Control Plan.** An erosion and sedimentation control plan shall be required prior to disturbance of any steep or severe slope area. In addition, a Stormwater Management Plan shall be required in accordance with provisions of Section 4.07 of this Ordinance.
2. **Soil Stability Analysis.** The Planning Commission may require that a soil stability analysis be performed by a Professional Soil Scientist prior to the disturbance of steep slope areas. This analysis shall evaluate the impact upon the stability of the slope and shall include mitigation techniques.
3. Final Plan approval shall require incorporation of mitigation measures in the site design.
4. Severe slopes (in excess of 25%) shall not be developed, nor their soil disturbed without a professional soil stability analysis.

4.13 WATER SUPPLY

- A. Whenever feasible, a development shall connect to an existing public water supply system.
- B. Where individual on-site water supply system is to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system, in accordance with all applicable standards.
- C. Where groundwater problems are known to exist, or where anticipated levels of development may result in water supply problems, the Planning Commission or Board

may require the Developer to demonstrate that a reliable, safe and adequate groundwater supply exists to support the water usage demands of the proposed subdivision or development without detrimental effects upon existing adjacent water wells. The standards set forth in the Safe Drinking Water Act shall be used.

- D. If water is to be provided by other than individual on-site systems (wells owned and maintained by the individual lot owners), the Final Plan must include evidence that the subdivision or development will be supplied by one of the following:
1. certified public utility,
 2. a bonafide cooperative association of lot owners,
 3. a municipal corporation, authority or utility.

Acceptable evidence of the above would include a copy of the Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an application for such certificate, a cooperative agreement or commitment to serve the area in question, whichever is appropriate.

- E. New public water systems which are to service new land development shall be designed and constructed in accordance with the regulations of the Department of Environmental Protection. The developer shall submit a copy of the appropriate DEP approval letter or permit for construction and operation of the new public water system.
- F. Extensions to existing water systems shall be designed and constructed in accordance with the regulations of the applicable water system. The developer shall submit a letter from the appropriate water authority or system approving the extension to the existing system.
- G. Wherever the water supply system contains sufficient capability or will in the foreseeable future, with or without developer assistance, fire hydrants shall be provided. Fire hydrants shall meet the specifications of the Middle Department Association of Fire Underwriters, and the local fire company. If applicable, the developer shall further provide access to a waterway or body of water for construction of a dry hydrant if the fire company determines the access would be a benefit to the provision of fire service to the area.

4.14 MONUMENTS AND MARKERS

- A. Placement and Marking - Monuments and markers must so be placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Concrete monuments shall be marked on top with a brass or bronze dowel.
- B. Location Monuments and Lot Markers - Monuments shall be located along street lines, rear common property lines, or at other locations as required by the Township. Lot

markers shall be located at all lot corners.

- C. Removal - Any monuments or markers that are removed must be replaced by a Registered Engineer or Surveyor or the Developer at the expense of the person removing them.

4.15 MISCELLANEOUS

- A. Handicap Accessibility – All developments shall include appropriate handicap accessibility features. Plans shall identify the location, width, grades, surfacing materials and ramps for the handicapped for all sidewalks, walkways and bike paths. Off-street parking as otherwise required shall also include handicap accessible spaces.
- B. Firebreak Setbacks – Firebreak setbacks between proposed structures and remaining forest lands suitable to the site may be required or recommended by the Township in the discretion of the Supervisors and/or Planning Commission as deemed necessary or advisable for developments in forested areas to protect structures from potential forest fires.

ARTICLE V **LAND DEVELOPMENT**

5.00 GENERAL

Land developments shall be evaluated by the Township according to the standards outlined in this Section. The detail required in the preparation of the land development plan is dependent upon the type of land development, whether major or minor, the criteria of which is stated below.

5.01 TYPES OF LAND DEVELOPMENT

A. Minor Land Development

A plan for a minor land development shall be prepared in accord with the Plan Requirements specified for a Sketch Plan in Section 2.01 of this Ordinance. A minor land development shall be defined as:

1. A single non-residential building of less than two thousand (2,000) square feet; or
2. The placement of two (2) single family dwellings on a single lot.

B. Major Land Development

A major land development shall be prepared in accord with the Plan Requirements specified for Preliminary and Final Plans in Sections 2.02 and 2.03 of this Ordinance. A major land development shall include:

1. A non-residential building greater than 2,000 square feet in size; or

2. Two (2) or more non-residential buildings on a single lot; or
3. Three (3) or more residential dwellings on a single lot.

C. Phased Development

Phased development shall be considered major land development. Each phase shall consist of a minimum of three (3) contiguous parcels. Plans for each phase shall be prepared in accordance with Sections 2.02 and 2.03 of this Ordinance.

D. Land Development Exceptions

The following shall not be regarded as land development in Bald Eagle Township. However, applicable zoning regulations shall apply:

1. The conversion of an existing single-family dwelling into not more than two residential units, unless such units are intended to be a condominium; or
2. The addition of any accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building which together shall constitute one use; or
3. The addition or conversion of buildings or rides within the confines of an amusement park. For purposes of this subclass, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides.

5.02 CAMPGROUNDS

- A. Preliminary and Final Plans for the campground prepared in accordance with Articles II, III and IV of this Ordinance shall be submitted to the Township Planning Commission.
- B. Campers and recreational vehicles are allowed for a maximum period of one hundred eighty (180) days per year.
- C. Unregistered vehicles are prohibited unless kept within a garage.
- D. All internal streets within the campground shall meet the following design standards:
 1. Minimum subbase - Six (6) inches of compacted stone.
 2. Minimum base and wearing surface - Four (4) inches of 2 RC or similar material.
 3. Minimum cartway -ten (10) foot width.

- E. Each camping space shall have a minimum of one on-lot parking space for the parking of one private vehicle. There shall also be adequate off-street parking spaces for each camping space or lot within the campground, located within two hundred (200) feet of the camping space or lot as auxiliary parking.
- F. Sewage facilities shall be designed and constructed in accordance with the standards of the Pennsylvania Department of Environmental Protection, and shall meet the following requirements:
 - 1. Unless otherwise required by the Township SEO or DEP, for campgrounds designed to accommodate travel trailers or recreational vehicles, one sanitary station shall be provided for every fifty (50) trailer spaces. A sanitary station is a DEP approved facility where sewage from an RV or trailer holding tanks is disposed. Disposal shall be at an approved septic facility. Records of disposal shall be provided to the Township on request.
 - 2. Toilets, sinks and showers shall also be provided with two (2) sets for each fifteen (15) tent or travel trailer spaces.

5.03 MULTIPLE FAMILY DWELLING DEVELOPMENTS

- A. All pertinent standards from the Bald Eagle Township Zoning Ordinance shall apply.
- B. Preliminary and Final Plans shall be submitted to the Township Planning Commission in accordance with Articles II, III, and IV of this Ordinance.
- C. The developer shall submit with the land development or subdivision plan the following:
 - 1. Description of the type of multiple family dwelling proposed, indicating the number of dwelling units per structure.
 - 2. Description of the maintenance of all facilities which are shared by residents within the proposed development. If the developer proposes to subdivide and convey individual dwelling units within the development, an agreement which assigns maintenance responsibility for commonly used facilities shall be recorded with the subdivision plan and referenced in the deeds for all properties in the development.
- D. Access to public streets shall be limited to well defined entrance and exit lanes.
- E. A minimum of ten (10%) of the development shall be set aside as usable open space, exclusive of streets, parking areas, structures, and service areas shall be provided. If existing trees are not present, at least one (1) shade tree shall be provided as part of this open space.
- F. Buffer yards may be required by the Township where adjacent land use dictates their placement. Developers shall protect and utilize natural hedgerows, where possible for this

purpose.

5.04 COMMERCIAL AND INDUSTRIAL LAND DEVELOPMENTS

Commercial and Industrial Land Developments, including, but not limited to shopping centers, motels, and Industrial Land Developments such as industrial parks and multiple tenant industrial buildings shall comply with all applicable standards of the Township Zoning Ordinance. In addition the following standards shall apply:

- A. Access to public streets shall be limited to well defined entrance and exit lanes.
- B. Painted lines, arrows, and dividers shall be provided and maintained to control parking and internal circulation. Customer parking and driving lanes shall be separated from delivery drives and loading areas.
- C. All parking areas, service drives, loading areas, driveways, and internal roadways shall be constructed according to the standards for collector streets as specified in Article IV of this Ordinance. The developer shall minimize access points to major thoroughfares.
- D. A lighting plan shall be provided that minimizes the amount of light that escapes from the premises.
- E. All proposed commercial and industrial uses to be located adjacent to residential uses or zones shall have a planted buffer of fifty (50) foot width and be in conformance with Article IX of the Zoning Ordinance.
- F. Commercial and industrial development involving soil disturbance of two thousand (2,000) square feet or more shall require a Stormwater Management Plan as specified in Section 4.07 of this Ordinance.
- G. Applicant shall provide a Notice of Intent from the Bald Eagle Township Authority and Suburban Water Authority to provide service and of adequate capacity for the proposed development.

5.05 HOGAN BOULEVARD OVERLAY REGULATIONS

Any Land Development or Subdivision proposed within the area of Bald Eagle Township located along Hogan Boulevard/PA Route 150 located between the Township line with Flemington Borough and extending through the intersection with Pa Route 64 and extending 1,000 feet in both directions from the centerline of Hogan Boulevard/Pa Route 150 shall be subject to the following additional regulations:

- A. The Township may in its discretion require a traffic study to be completed at the cost of the Applicant prior to the consideration of any Application. Applicants shall contact the Township prior to submitting the Application and provide a general narrative of the proposed development or subdivision so the Township can determine if a traffic study is

required.

- B. All Applicants shall consider the feasibility of having access to adjacent parcels via internal drives to avoid congestion along the boulevard.
- C. All land developments and subdivisions within the corridor shall provide a Storm Water Management Plan certified by a professional engineer as part of the initial Application.

ARTICLE VI **MOBILE HOME PARKS**

6.00 GENERAL

Mobile home parks are permitted only in those zoning districts as specified in the Bald Eagle Township Zoning Ordinance. Every proposed mobile home park must meet the requirements of this Article as well as all the requirements pertaining to major land development, unless otherwise excepted. All preliminary or sketch plans shall be provided to the Township Zoning Officer for informal review prior to the filing of any plan for approval.

Each mobile home placed in a mobile home park shall secure an Occupancy Permit prior to its use as living quarters

6.01 SITE PLAN REQUIREMENTS AND PROCEDURES

Application for a mobile home park shall require the submission of six (6) copies of the Preliminary and Final Plans to the Township Planning Commission in accordance with Articles II and III of this Ordinance. In addition, all contained in elsewhere in this Ordinance shall apply, unless referenced by this Article.

6.02 DESIGN STANDARDS

- A. All mobile home parks shall be designed in accordance with the provisions at Section 5.07 of the Bald Eagle Township Zoning Ordinance which provisions are incorporated by reference into this Ordinance.
- B. In addition to the design standards in Section 5.07 of the Zoning Ordinance, overflow parking of one-half space per lot shall also be provided within two hundred (200) feet of the mobile home lot which they are intended to serve. An all-weather patio area with a minimum area of two (200) hundred square feet shall also be provided on each mobile home lot which area shall be used for the parking of vehicles.
- C. Each mobile home lot shall be separately metered unless the public water supply company or authority directs otherwise. Each mobile home lot shall be separately connected by a lateral to any main line in the mobile home park with a separate connection to allow for the lateral to be shut off if necessary.

- D. Each mobile home lot shall be assigned a separate number and street name in conformity with any applicable 911 addressing regulations.

ARTICLE VII
ADMINISTRATION

7.00 GENERAL

The Bald Eagle Township Board of Supervisors shall administer and enforce this Ordinance and does hereby designate the Bald Eagle Township Planning Commission as the agency:

- A. With which applicants may hold all pre-application consultations relating to the plans.
- B. To which all preliminary or final subdivision and land development plans are referred upon submission to the Township.
- C. Which makes recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans.
- D. Which makes recommendations to the Board of Supervisors concerning the interpretation of and the granting of waivers to provisions and standards of this Ordinance.

7.01 RECORDS

The Township Planning Commission and Board of Supervisors shall maintain an accurate public record of all the plans upon which it takes action and of its findings, decisions, and recommendations in relation thereof.

7.02. INTERPRETATION

Where there is any conflict between the provisions of this Ordinance and the Bald Eagle Township Zoning Ordinance as amended at the time of the conflict, the provisions of the Bald Eagle Township Zoning Ordinance shall prevail and will be used to interpret this Ordinance.

7.03 WAIVERS AND MODIFICATIONS

- A. The provisions of this Ordinance are the minimum standards for the protection of the public welfare.
- B. If any mandatory provision of this Ordinance is shown by the applicant to be unreasonable and to cause unique and undue hardship, the Board of Supervisors may grant a waiver in writing from such mandatory provision, provided that:
 - 1. The public safety is not compromised.

2. No requirements pertaining to stormwater management and erosion control are diminished.
 3. The alternative standard is demonstrated to provide equal or better results.
 4. Such waiver will not have the effect of nullifying the intent and purposes of this Ordinance.
- C. All requests for waivers and modifications shall be in writing and shall state the grounds and facts of unreasonableness or unique hardship on which the request is based, the provision(s) of the ordinance involved and the minimum modification necessary.
- D. In granting waivers and modifications, the Board of Supervisors may impose such conditions as will, in its judgment, encourage innovative design and secure the objectives of the standards or requirements so waived or modified.

7.04 AMENDMENT

The Bald Eagle Township Board of Supervisors may, from time to time, revise, modify, and amend this Ordinance by appropriate action taken at a scheduled public hearing, in accordance with the applicable provisions of the Pennsylvania Municipalities Planning Code.

A public hearing held pursuant to public notice is required to amend this Ordinance. At least thirty (30) days prior to hearing, the Township shall submit the amendment to the County Planning Commission for recommendations.

The proposed amendment of summary thereof shall be published in a newspaper of general circulation from seven (7) to sixty (60) days prior to passage.

7.05 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Board of Supervisors may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of building, structure or premises.
- B. The Board of Supervisors may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision or land development of real property in violation of any Ordinance adopted pursuant to this Article. This authority to deny such a permit or approval shall apply to any of the following applicants:
 1. The owner of record at the time of such violation.
 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Board of Supervisors may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

7.06 ENFORCEMENT REMEDIES

- A. Magisterial District Justices shall have initial jurisdiction in proceedings brought under this Section.
- B. Any person, partnership or corporation who or which has violated the provisions of the Bald Eagle Township Subdivision and Land Development Ordinance upon being found liable thereof in a civil enforcement proceeding commenced by the Township, shall pay a judgement of not more than five hundred (500) dollars plus all court costs, including reasonable attorney fees incurred by the Township. No judgment shall commence or be imposed levied or be payable until the date of the determination of a violation by the Magisterial 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 Magisterial District Justice determines that there was good faith basis for the party to have believed that there was no such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separation violation.
- C. 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.
- D. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this Section.

ARTICLE VIII DEFINITIONS

8.00 INTERPRETATIONS

The following definitions shall be used in the interpretation of this Ordinance. Words used in the present tense include the future; the singular number shall include the plural, the plural the singular; the word "structure" shall include the word "building"; the word; used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not optional.

8.01 DEFINITIONS

ABANDONED: The apparent discontinuance of a non-conforming use of a building or premises, or the removal of the characteristic equipment or furnishing used in the performance of a non-conforming use without its replacement or the replacement of the non-conforming use or structure.

ACCESS DRIVE: A durable, all-weather surfaced means, other than a street, which provides vehicular access from a street or public road to a lot; e.g. a driveway.

ACCESSORY USE OR STRUCTURE: A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses for packing, treating, or storing the produce; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agriculture activities.

ALTERATION: Any major change in or addition to a structure.

AMENDMENT: A change in use in a District which includes revisions to the zoning text and/or the official zoning map; and the authority for any amendment lies solely with the Township Board of Supervisors.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development including his agents, heirs, successors and assigns.

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

APPOINTING AUTHORITY: The Board of Supervisors of Bald Eagle Township.

AUTHORITY: A body politic and corporate body created pursuant to the act of May 2, 1945 (P.L.

382, No. 164), known as the "Municipality Authorities Act of 1945."

BOARD: The Board of Supervisors of Bald Eagle Township.

BUFFER: A buffer, or screen, is an open space of vegetation and/or fencing which acts as a transition area and partial barrier between differing land uses.

BUFFER YARD: An area of existing or newly-planted trees located between land uses deemed incongruous by the Township and whose width is at least fifty (50) feet.

BUILDABLE AREA: That portion of a lot bounded by the required front, side, and rear yards.

BUILDING: Any structure having a roof supported by columns or walls, which is used for the housing or sheltering of persons, animals or property.

BUILDING COVERAGE: That percentage of the plot of land area covered by the principal and accessory buildings (including covered porches, carports, and breeze-ways, but excluding open patios, parking or loading areas.)

BUILDING HEIGHT: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof but not including chimneys, towers, or similar projections.

BUILDING SETBACK LINE: A line parallel to the street line located at a distance, which is equal to the front yard requirement for the District in which the lot is located, i.e. front yard setback.

CAMPGROUND: A tract of ground used for camping purposes, with or without a fee charged for renting or occupying such space.

COMMISSION. The Planning Commission of Bald Eagle Township (unless the context refers to the Clinton County Planning Commission).

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

CONDITIONAL USE: A use permitted in certain districts as provided for in Article II of the Township Zoning Ordinance which may only be authorized by the Township Supervisors as set forth in Article XI of the Township Zoning Ordinance.

COVENANT, RESTRICTIVE: A contract between two (2) or more parties usually specifying limitations or obligations relating to the use of property.

DENSITY, GROSS: The total number of dwelling units per acre in a development divided by the

total site area in acres.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, or excavation.

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

DWELLING: Any building or shelter designed for or occupied exclusively as the residence or sleeping place of one or more persons, as:

- A. Dwelling, Single-Family Attached. A building designed and occupied exclusively as a residence for one family and having a party wall on each side in common with an adjacent dwelling; i.e. a townhouse.
- B. Dwelling, Single-Family Detached. A detached building designed for or occupied exclusively by one family.
- C. Dwelling, Multi-family. A building designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

DWELLING UNIT: One or more rooms containing a kitchen or kitchenette and sanitary facilities in a dwelling structure, designed as a unit for occupancy by one family for living and sleeping purposes. Travel trailers, recreation vehicles, and similar facilities for transient lodging shall not be considered as dwelling units.

EASEMENT: A grant of one (1) or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

ENCROACHMENT: Any development within fifty (50) feet of waterways or wetlands, and requiring a permit from DEP and the US Army Corps of Engineers.

FENCE: Any facility constructed of wood, metal, wire mesh, masonry blocks, or similar material or any landscaping which consists of plants located close together (i.e. a hedgerow), erected for the purpose of screening one property from another either to assure privacy or protect the property screened. For the purposes of the Township Zoning Ordinance, a fence shall not be considered a structure.

FILTER STRIP: An existing or new buffer of vegetation along a stream, pond, lake or sinkhole,

which serves to remove sediment and other pollutants from runoff thereby protecting water quality. It can take the form of an existing hedgerow, uncultivated field or newly established grass.

FIREPROOF PARTY WALL: A common wall shared by two tenants or property owners that is designed and constructed of material which is capable of withstanding fire or preventing damage caused by fire.

FLOOR AREA: For the purposes of applying the requirements for off-street parking and loading, "floor area" in the case of office, merchandising, or service type uses, shall mean the gross floor area used by tenants, or for service to the public or clients, including areas occupied by fixtures or equipment used for display or sales of merchandise. (See also HABITABLE FLOOR AREA.)

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

GARAGE, PRIVATE RESIDENTIAL: An accessory building designed or used for the parking or storage of not more than four (4) vehicles owned and used by the occupants of the building to which it is accessory and which is not a separate commercial enterprise available to the general public.

GOVERNING BODY: Bald Eagle Township Board of Supervisors.

HABITABLE FLOOR AREA: Any floor area within a dwelling unit that is usable for living purposes, including area for working, sleeping, eating, cooking, and recreation, or a combination thereof. Floor area used only for storage purposes,

HEIGHT OF BUILDING: The vertical distance measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest point of the roof, but not including chimneys or similar projections.

HIGH DENSITY DEVELOPMENT: The establishment of four (4) or more permanent dwelling units per acre.

HOME OCCUPATION: An accessory use conducted within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling and does not change the character thereof.

HUD CODE: Manufactured Home Construction and Safety Standards enacted by the U.S. Department of Housing and Urban Development in 1976. A uniform construction code which classifies mobile homes as manufactured homes. The HUD Code preempts State and local building regulations.

INDUSTRIAL PARK: A tract of land laid out in accordance with an overall plan for a group of industries with separate building sites designed and arranged on streets with utility services,

setbacks, side yards, landscaped yards, and covenants controlling the architecture and uses.

JUNK: Any used or discarded material, including but not limited to waste paper, rags, metal, glass, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same.

JUNK YARD: An area of land, with or without buildings, used for storage, collection, and/or sale of used or discarded materials, including junk as defined above, with or without dismantling, processing, salvage; sale or other use or disposition. Storage of two or more abandoned motor vehicles, or the major parts thereof, for a period exceeding one hundred twenty (120) days, shall be deemed a junk yard and must be licensed by the Township.

JUNKED OR ABANDONED VEHICLE: Any motor vehicle which does not bear a current registration and is not currently inspected.

LAND DEVELOPMENT: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 1. a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 2. the division or the allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purposes of streets, common areas, leaseholds, condominiums, buildings groups, mobile homes, or other features
- B. A subdivision of land.
- C. Development as described in Section 503(1.1) of the Municipalities Planning Code.

LAND DEVELOPMENT EXCLUSIONS:

- A. The conversion of an existing single-family detached dwelling into not more than three residential units, unless they are intended to be a condominium; or
- B. The addition of any accessory building, including farm buildings, subordinate to an existing principal building; or
- C. The addition or conversion of buildings or rides within an amusement park. An amusement park is defined as a permanent area: used principally for amusement structures or rides.

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.

LOT: A designated parcel, tract or area of land established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

- A. **Lot Area.** The computed area contained within the lot lines, excluding any street right-of-way.
- B. **Lot Line.** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.
- C. **Lot Depth.** The distance measured from the front lot line to the rear lot line.
- D. **Lot Frontage.** The length of the front lot line measured at the street right-of-way.

LOT OF RECORD: Any lot which individually or as part of a subdivision has been recorded in the office of the Clinton County Recorder of Deeds.

MANUFACTURED AND MOBILE HOME SALES: An area, including a building, used primarily for the display or sale of manufactured and/or mobile homes and where mechanical repairs and body work may be conducted as an accessory use incidental to the primary use.

MANUFACTURED HOME: A factory-built residential dwelling unit certified as built in compliance with the HUD Code. It is transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length; or when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a year-round dwelling with a permanent foundation and connected to the required utilities.

MARKET VALUE: The fair market price of a structure or property as determined by an appraiser or insurance adjuster; the price at which both buyer and seller are willing to do business.

MINOR LAND DEVELOPMENT: Development involving no new streets and no extension of public water or sewer and which consist of either a single nonresidential building of less than 2,000 square feet or the placement of two (2) single family dwellings on a single lot.

MINOR SUBDIVISION: A subdivision of land of three (3) or fewer new lots involving no new street and no extension of sewer and water facilities.

MOBILE HOME: A single-family, transportable, factory-built home used as a year round dwelling and built prior to enactment of the HUD Code on June 15, 1976. (See HUD Code)

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

MOBILE HOME PARK: A parcel of land which has been-so designated and improved that it contains two (2) or more mobile home lots. A mobile home park is the same as a Manufactured Home Park if the units were built after 1976, were certified by the HUD Code, and lot parcels are rented.

MODULAR HOUSEING: Housing units designed and manufactured in two (2) or more standard sections, which are shipped and joined into one (1) integral unit on the site.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 ((P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Township engineer.

NEW CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, location, or relocation of a building (including mobile homes), structure, and/or improvements (such as street utilities, etc.)

NONCONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE: A structure or part of a structure not in compliance with the Zoning Ordinance, but where such structure lawfully existed prior to the enactment of the Ordinance. Such nonconforming structures include nonconforming signs.

NONCONFORMING USE: A use which does not comply with the provisions in the Zoning Ordinance but was lawfully in existence prior to the enactment of such ordinance.

OBSTRUCTION: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure or other matter in, along, across or projecting into any channel, water course, or regulatory flood hazard area which may impede, retard or change the direction of water, either in itself or by catching or collecting debris carried downstream-to the damage of life or property.

OFFICIAL MAP: A map adopted by ordinance.

OPEN SPACE: Any parcel or designated land area in its natural state or essentially unencumbered by either principal or accessory uses, buildings, structures, or impervious surfaces.

PLANNED RESIDENTIAL DEVELOPMENT (PRO): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling; density, lot coverage and required open space to the regulations established in any one Residential District created, from time to time, under the provisions of a municipal zoning ordinance.

PLANNING COMMISSION: The Planning Commission of Bald Eagle Township.

PLAT: A map, plan, or layout showing the subdivision of land and indicating the location and boundaries of individual properties.

PREMISES: Any lot, parcel, or tracts of land and any building constructed thereon.

PRINCIPAL BUILDING: A structure in which the principal use of the site is conducted.

PRINCIPAL USE: The primary purpose(s) for which a lot is occupied.

PRINCIPALLY ABOVE GROUND: At least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.

PRIVATE ROAD: A right of-way which provides vehicular access to a maximum of five (5) lots and which is not dedicated or maintained by the Township or State.

PUBLIC: Owned, operated or controlled by a government agency (federal, state, or local, including the Board of Public Education.)

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment prior to taking action.

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

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

PUBLIC SEWAGE SYSTEM: A system designed to treat the sewage wastes of more than one dwelling unit and which discharges the resultant outflow into a stream or other body of water. These systems shall include municipal treatment facilities as well as package treatment plants installed by private developers.

RECREATIONAL VEHICLE: A vehicle less than thirty-eight (38) feet in length, used for temporary living or sleeping purposes, which stands on wheels. Included are travel trailers, truck campers and motor homes. Such vehicles are permitted only in campgrounds or on private individual parcels.

RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes remains relatively constant, including geothermal energy, solar and wind energy and hydroelectric energy.

SALE PARCEL: In planned residential development, that portion of a tract's gross acreage which may be sold for land development, while the remaining acreage is left undisturbed for common open space.

SCREENING: A barrier to visibility, glare, and noise between adjacent properties made of plant materials and/or fencing.

SEASONAL HOME: A dwelling intended for seasonal or leisure activity which is not intended now or in the future for year-round dwelling purposes. It includes cottages; cabins, second-homes; travel trailers and forms of camping accommodations.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it, if there is no floor above it, then the space between any floor and the ceiling immediately above it.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

STREET LINE: The dividing line between the street and lot, also known as right-of-way line.

STRUCTURE: Any combination of materials, other than a building which forms a construction that is safe and stable, including but not limited to flagpole, stadiums, platforms, towers, sheds, storage bins, fences exceeding four (4) feet in height, 70 signs, sign posts, lights and light standards for other than residential use but excepting patios, driveways, walks, and parking areas at yard grade.

SUBDIVISION: The division or redivision of a lot tract or parcel of land 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. See definition of "Land Development".

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

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred.

SUBSURFACE DRAINAGE: Construction associated with the removal of ground water from under roadway or other surfaces designed to maintain firm, stable subgrades and structure foundations.

TOWNSHIP SUPERVISORS: The governing body of Bald Eagle Township.

TRIANGLE SIGHT: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight of motorists entering or leaving the intersection.

USE: The specific purpose or activity for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" shall not be deemed to include a nonconforming use.

WETLANDS: Land that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamps, bogs, marshes, and marine meadows.

YARD: An open space which lies between the principal building or group of buildings and the nearest lot line. Such space shall be unoccupied and unobstructed from the ground upward except as may herein be permitted

- A. Yard Front. An open space which lies between the principal building or group of buildings and the front lot lines, unoccupied and unobstructed from the ground upward.
- B. Yard Rear. An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward.
- C. Yard Side. An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied and unobstructed from the ground upward.

ZONING MAP: "The official Zoning Map of Bald Eagle Township, together with all notations, references and amendments which may subsequently be adopted. The Zoning map shall be considered a part of the Township Zoning Ordinance.

ZONING OFFICER: The administrative officer charged with the duty of enforcing the provisions of the Township Zoning Ordinance.

ZONING PERMIT: A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the District in which it is located.

Any word used in this Ordinance that is not defined above but is defined in the Municipalities Planning Code shall have the definition used in the Municipalities Planning Code.

ARTICLE IX
MISCELLANEOUS

9.00 VALIDITY

Should any Section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

9.01 REPEALER

The Bald Eagle Township Subdivision Ordinance enacted as Ordinance No. 27 on October 27, 1980 and all other ordinances or sections thereof, which are inconsistent with any of the provisions or sections hereof, are hereby repealed absolutely.

9.02 EFFECTIVE DATE

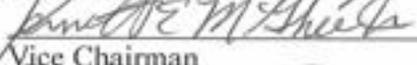
The Bald Eagle Township Subdivision and Land Development Ordinance shall be effective five (5) days after the enactment of this Ordinance and shall apply to all Preliminary and Final Plans submitted to Bald Eagle Township on or after that date, except those Final Plans for which a Preliminary Plan had previously been approved. In such case, the former Subdivision Ordinance shall remain effective.

This Ordinance was duly ordained and enacted on 9/20/2021, by the Board of Supervisors of Bald Eagle Township.

Board of Supervisors
of Bald Eagle Township



Chairman



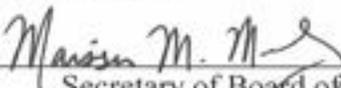
Vice Chairman



Supervisor

CERTIFICATION

I, Marissa M. Morgan, Secretary of the Board of Supervisors of Bald Eagle Township do hereby certify that the foregoing Ordinance, "Bald Eagle Township Subdivision and Land Development Ordinance," was duly enacted at a properly convened meeting of the Board of Supervisors of Bald Eagle held on 9/20/2021, at which meeting a quorum was present and voted in favor thereof. I further certify that enactment of this ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, which hearings were advertised in accordance with provisions of said act.



Secretary of Board of
Supervisors of Bald Eagle Township