

ARTICLE IV
DESIGN STANDARDS

Section 401 Streets

A. General Standards - The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in the appropriate relation to the proposed uses of the land to be served by such streets. The arrangement and other design standards of streets shall conform to the provisions found herein.

1. The arrangement of streets in new subdivisions shall make provisions for the continuation of existing streets right-of-way to adjoining properties.
2. Streets in and bordering a subdivision or land development shall be coordinated, and be of such width and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
3. Where adjoining areas are not presently subdivided, the arrangement of right-of- ways in the new subdivision shall extend to the property line on the proper projection of the street right-of-way as deemed necessary for future development to adjoining properties.
4. Street types shall be as designated in the Penn Township Comprehensive Plan or as determined by the Township Board of Supervisors. [Ordinance 111, 1/31/1996]
5. Private right-of-way of not less than fifty (50) feet in width with no street surfacing requirements may be permitted to provide access to not more than three (3) lots, dwellings, or dwelling units. Further land development in excess of the three (3) lots, dwellings, or dwelling units using private streets or right-of-ways shall not be permitted. The private right-of-way shall meet the design standards for streets as specified in this Ordinance, except for the requirement for paving. All plans proposing private right-or-ways shall include a note on the plan indicating the number of proposed lots and existing lots associated with the private right-of-way. The following note regarding the maintenance of the private right-of-way shall be included on the plan and included in the deeds for the adjoining lots:

Maintenance, repair, replacement, and improvements to the private right-of-way shown on this plan shall be the sole responsibility of the lot owners using the private right-of-way for ingress and egress.

The adjoining lot owners shall also be responsible for the installation and maintenance of any street sign for the private right-of-way and for the installation of a sign indicating the road is privately owned and that the Township is not responsible for maintenance. A maintenance agreement, acceptable to the Township (see sample agreement), shall be prepared and recorded in the Perry County Court House along with the subdivision plan. The lot deeds shall reference the maintenance agreement. A copy

of the maintenance agreement shall be signed by the landowner and submitted to the Township along with the building permit application. [Ordinance 111, 1/31/1996]

B. Street Widths

1. Minimum Street right-of-way and cartway widths shall be as follows:

<u>STREET TYPE</u>	<u>WIDTH</u>	
Arterial Streets	As determined by the Penn Township Supervisors after consultation with the Pennsylvania Department of Transportation and the Penn Township Engineer	
Right-of-way		
Shoulders		
Cartway		
	<u>w/o Curbs</u>	<u>w/Curbs</u>
Collector Street		
Right-of-way	60 feet	60 feet
Shoulders	16 (8' each side) feet	NA
Cartway	24 feet	24 feet
Parking Lanes	NA	10 feet
	<u>w/o Curbs</u>	<u>w/Curbs</u>
Minor Streets		
Right-of-way	50 feet	50 feet
Shoulders	10 (5' each side) feet	NA
Cartway	20 feet	20 feet
Parking Lanes	NA	8 feet
Private Streets		
Right-of-way	30 feet	50 feet
Shoulders	6 (3' each side) feet	NA
Cartway	18 feet	20 feet
Parking Lanes	NA	8 feet
Turn around or Cul-de-Sac (diameter)		
Right-of-way	100 feet	
Cartway	80 feet	
Alley or Service Drive		
Right-of-way	20 feet	
Cartway	20 feet	

*Cartway width may be reduced if paved off-street parking areas are provided.

2. Provision for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Penn Township Supervisors in specific cases for:
 - a. Public safety and convenience.
 - b. Parking in commercial and industrial areas and in areas of high-density development.
 - c. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

3. When the subdivision or land development is proposed fronting on an existing Township Road, except for a PENNDOT Highway, the required additional right-of-way shall be dedicated for the lots or land development proposed, and the dedication shall not be required for the remaining portion of the property except where the remaining portion of the property is less than one required lot width. Then the required right-of-way for all of the property fronting on the existing street shall be shown on the plat and a signed dedicatory statement shall be shown on the Final Plat. The developer shall prepare, submit and execute the appropriate deeds of dedication for the dedicated right-of-way as determined by the Township Board of Supervisors.

C. Horizontal Alignment

1. Intersections -

Intersections: involving the junction of more than two (2) streets are prohibited. Right-angle intersections must be used wherever practical however, in no case shall streets intersect at less than seventy-five (75) degrees.

2. Intersection curve Radii -

At intersections or streets the radius of the curb or edge of pavement radii shall not be less than the following:

<u>Intersection</u>	<u>Curb or Edge of Pavement</u>
Collector with Collector Street	thirty-five (35') feet
Collector with Minor Street	twenty-five (25') feet
Minor Street with Minor Street	fifteen (15') feet
Private Street with other Street	fifteen (15') feet

Property lines of corner properties adjacent to intersections shall be substantially concentric with curb lines or edge of pavement.

3. Intersection Sight Distance -

Proper sight lines must be maintained at all intersections.

- a. Where intersections occur between proposed new streets within a new subdivision there must be a clear sight triangle that conforms to the standards established in PENNDOT Publication 70M, December 2002 Edition, "Guidelines for Design of Local Roads and Streets", as amended. No building or obstruction shall be permitted this area.
- b. Where intersections occur between proposed new streets or driveways providing access to separate parcels of land and state highway (Legislative Routes, Pennsylvania Routes and United States Routes) on arterial streets, there must be a clear sight triangle provided in accordance with the requirements of the Pennsylvania Department of Transportation. (See form 950 J. Rev, 4-68)

4. Streets Not in Alignment -

If streets are not in alignment, the distance between the centerline of streets opening on opposite side of an existing or proposed street shall be no less than one hundred twenty-five (125') feet.

5. Sight Distance -

Sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the center line, three and one-half (3 ½') feet above grade, the minimum sight distance must be as follows:

<u>Type of Street</u>	<u>Sight Distance</u>
Arterial	Based on PENNDOT criteria considering classification and design speed.
Collector	two hundred (200') feet
Minor	one hundred (100') feet
Private	one hundred (100') feet

6. Curves -

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

<u>Type of Street</u>	<u>Minimum Radius</u>
Collector	three hundred (300') feet
Minor	one hundred fifty (150') feet
Private	one hundred fifty (150') feet

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor or private streets there must be a tangent of at least one hundred (100') feet between reverse curves.

7. Cul-de-sacs or Dead End Streets -

Cul-de-sacs or dead end streets, designed to be so permanently, shall not exceed fifteen hundred (1500') feet in length, and shall be provided with a turn around having minimum dimensions for right-of-way and cartway widths as indicated in the preceding section.

D. Vertical Alignment

1. Street Grades -

a. The grades of streets shall not be less than the minimum or more than maximum requirements listed below.

<u>Type of Street</u>	<u>Minimum Grade</u>	<u>Maximum Grade</u>
-----------------------	----------------------	----------------------

All streets	0.75%
Arterial Streets	As determined by the Board of Supervisors after consultation with the Pennsylvania Department of Transportation
Collector Streets	Seven (7%) percent
Minor Streets	Twelve (12%) percent
Minor Streets	Twelve (12%) percent

- b. Vertical curves shall be used in all changes of grade and designed for maximum visibility. Intersections shall be approached on all sides by leveling areas not to exceed four (4) percent. Such leveling areas shall have a minimum length of one hundred (100') feet (measured from the intersection centerline). The slope from the intersecting street shall be a minimum slope of two (2%) percent for a minimum length fifty (50') feet from the intersection with an intersecting vertical curve.

E. Slope of Banks along Streets-

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

1. One (1') foot of vertical measurement for three (3') feet horizontal measurement for fills.
2. One (1') foot of vertical measurement for two (2') feet of horizontal measurement for cuts.

F. Partial and Half-streets -

The dedication of half-streets at the perimeter of new subdivisions is prohibited.

G. Names of Streets -

Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixed such as "land", "drive", "way", "court", "avenue", etc. In approving the names of streets cognizance may be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted street.

Section 402 - Alleys and Service Roads

Alleys shall be prohibited in residential districts except where proven to be necessary.

Section 403 - Easements

- A. The minimum width of easements shall be fifteen (15') feet for under ground facilities and twenty-five (25') feet for drainage facilities. Wherever possible, easements for public utilities shall be centered on side or rear lot lines. Additional width may be required by the Board of Supervisors depending on the purpose of the easement.
- B. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a drainage easement

conforming substantially with the line of such water course, drainage way, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating or protecting such drainage facilities, or purpose for the purpose of installing a storm water sewer.

- C. Applicant shall provide the Board of Supervisors with a statement from the Utility Company as to easement adequacy.
- D. Snow removal stockpile easements shall be provided at all intersections and cul-de-sacs. The snow removal stockpile easement shall be a minimum of 40 feet in length along the cartway. The depth shall be measured from the edge of the right-of-way and shall be in no case less than ten (10) feet. No on-street parking, driveway, structure, any above ground part of any utility, landscaping, or any other use shall be permitted along and within the snow removal stockpile easement that would interfere with the intended purpose of the easement. All snow removal stockpile easements shall be delineated on all plans and the restrictions on their use shall be noted on the plans. All locations shall be approved by the Township

Section 404 - Blocks

Blocks shall not exceed fifteen hundred (1500') feet in length and shall be of sufficient depth to permit two (2) tiers of lots, except as otherwise provided for herein.

Section 405 - Lots

- A. General - The arrangement and other design standards of lots shall conform to the Penn Township Zoning Ordinance and the following requirements:
 - 1. Layout of lots -Every lot shall abut a public street or private right-of-way. Side lot lines should be at right angles or radial to street lines. [Ordinance 111, 1/31/1996]
 - 2. Double Frontage - Double frontage lots shall be avoided, except that, where desired along arterial streets or limited access highways, reverse frontage lots shall face on and access from an interior street, and back on such thoroughfares. Interior lots having frontage on two streets shall be avoided except where unusual conditions make it necessary.
- B. Lot Sizes and Sewage Facilities Requirements.
 - 1. The applicant shall arrange for the required tests to be made on the tract as prescribed by the DEP in order to provide the data necessary for the platting of lots for adequate size for on-lot sewage disposal or to determine the need for other sewage disposal methods.
 - 2. The results of these tests shall be submitted to the Township Supervisors in a module provided by the Department of Environmental Protection.
 - 3. From the results of these tests and reports, the lot size shall be established large enough to provide for specified minimum area

required for the absorption field as prescribed in accordance with the Department of Environmental Protection report, but in no case shall the lot size be less than designated in the Penn Township Zoning Ordinance unless a variance has been secured.

4. Where on-lot water is to be used, the lot shall be large enough so that the water source shall be located no closer to the absorption fields of on-lot sewage facilities than the distance specified in accordance with the "Rules and Regulations of the Department of Environmental Protection; Chapter 73 -Standards for Sewage Disposal Facilities, as revised to date".

C. Space between Buildings for Land Development

1. The space between buildings where land development is proposed shall be provided in accordance with the following schedule:

<u>Designation</u>	<u>Space between Buildings</u>
Front to Front	70 Feet
Front to Side	50 Feet
Front to Rear	70 Feet
Side to Rear	30 Feet
Side to Side	30 Feet
Rear to Rear	50 Feet
Corner to Corner	20 Feet

2. The space between buildings shall be increased one (1') foot for each additional foot that the height of the building exceeds thirty-five (35') feet.

D. Access

1. Each subdivision and land development plan shall be designed to provide for access to each lot and/or each dwelling unit within a development by a public street or private right-of-way. [Ordinance 111, 1/31/1996]
2. Streets shall be laid out to provide for access to all lots and to adjacent undeveloped areas, and the subdivider or developer shall improve or reserve access streets to the limits of the subdivision or land development if reviewed and recommended by the Planning Commission.
3. Panhandled lots may be permitted provided they meet the requirements of the Penn Township Zoning Ordinance.

E. Soils Analysis

Soils analysis shall be required by the Township on each proposed lot in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection. From the results of these tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption field as prescribed in accordance with the requirements of the Pennsylvania Department of Environmental Protection, but in no case shall the lot size be less than as set forth in the Penn Township Zoning Ordinance.

- A. A Storm Water Management Plan (SWMP) shall be required for each subdivision or land development plan at both the Preliminary and Final Plan submittal stage. As an integral part of the SWMP, Erosion and Sedimentation Control measures shall be included. All erosion control shall be in accordance with Perry County Soil Conservation and DER regulation.
- B. The SWMP shall be in accordance with the Penn Township Storm Water Management Ordinance, as revised to date. Copies are available at the Penn Township office.

Section 407 - Erosion and Sediment Control

General - These Erosion and Sedimentation Control measures shall meet the requirements of this ordinance and the "Soil Erosion and Sedimentation Control Handbook" of the Perry County Conservation District, as revised to date. All Erosion Control Plans shall be submitted to the Perry County Conservation District for review, comment and approval.

- 1. Penn Township shall not issue a building permit to those engaged in earth-moving activities requiring a Department of Environmental Protection permit until the Department has issued a permit and/or plans are completed in accordance with Chapter 102, Rules and Regulations of DEP, as amended.
- 2. Further, under the requirements noted above, Penn Township shall notify the Department of Environmental Protection or the Perry County Conservation District immediately upon receipt of an application for a building permit involving earth moving activity which disturbs the cover of one (1) acre or more of land.

Section 408 - Water Supply

In the event that water is to be provided by a means other than private wells, owned and maintained by the individual owners of lots within a subdivision development, applicants shall present evidence to the governing body and the planning agency that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association, or by a municipal corporation authority or utility. A copy of the certificate of public convenience under the Pennsylvania Public Utilities Commission, or an application for such certificate, cooperative agreement or a commitment, or an agreement to serve the area in question, whichever is appropriate, shall be evidence of the supply of water as set forth above other than by means of private wells.

- A. Applicability.
 - 1. All residential subdivisions or residential land development proposing six or more lots and/or units whether initially or cumulatively, as of the effective date of this Ordinance.
 - 2. All non-residential land development.
- B. Connection to Public Water System or Provision of Community Water System.
 - 1. All Development which falls under Section 409 above shall be served by public water if the Board of Supervisors

determines that public water is available.

- (a) If connection to an existing public water system is proposed, the applicant shall submit an agreement committing the public water provider to provide such water as the Development will utilize for such period of time and under such terms and conditions as the public water provider provides water service elsewhere in its service area.
2. In all cases the applicant shall demonstrate that the water to be supplied shall be potable and shall meet all applicable standards of DEP or the EPA.
3. If applicant proposed to serve the Development with a community water system, the applicant shall demonstrate that the community water system shall be in compliance with all requirements of this Article, the Subdivision and Land Development Ordinance, and the DEP.

C. Minimum Requirements for Water Supply.

If the applicant proposes to serve the Development by means of a water supply system using water obtained from the Tract (irrespective of whether that water is being distributed as a part of a community water supply system or individual wells), that water supply source may be utilized only when the Report establishes, and the engineer performing the study to support the Report certifies, that the water supply will provide the required yield and demand, and that withdrawal rates and amounts shall be managed to balance natural recharge rates and amounts on a site-specific basis to insure that the potential of interference with adjacent properties is minimized.

D. Requirements for Water Service Feasibility Report.

1. An applicant shall contact the Township before beginning preparation of the Report and shall submit an application to file a water service feasibility report. Such application shall be accompanied by the filing fee established by ordinance or resolution. The application shall at a minimum state:
 - (a) The professional engineer and/or professional geologist who will prepare the Report.
 - (b) The Tract which will be developed and the nature and extent of the proposed Development.
 - (c) The scope and the method of analysis of the study and testing data prior to initiating the study necessary to prepare the Report.
2. The Township Engineer shall approve the scope and the method of analysis of the study and testing data. The applicant shall reimburse the Township for all costs incurred by the Township Engineer in meeting with the applicant and reviewing the application.
3. The Applicant shall present the completed Report and all supporting data to the Township before approval of the preliminary plan or, if the Subdivision Ordinance does not require submission of a preliminary plan, with the application for approval of a final plan.

4. The Township Engineer shall review the Report to determine if it contains all information this Article requires. If the Report is incomplete, the Township Engineer shall reject the Report and inform the applicant of the deficiencies in writing. The applicant may resubmit the Report after addressing the Township Engineer's comments or may appeal the determination of the Township Engineer to the Board of Supervisors. The applicant shall reimburse the Township for all costs of the Township Engineer in meeting with the applicant, analyzing the Report, and presenting information to the Township Planning Commission and Board of Supervisors.
5. The Applicant shall include the following data, presented in tabular form, for all existing wells within a one-quarter mile (¹/₄) miles radius of the Tract as provided by the Water Well Inventory maintained by DCNR Bureau of Topographic and Geologic Survey as part of the Report:
 - (a) Pennsylvania Well Identification number.
 - (b) Date Drilled.
 - (c) Latitude and Longitude.
 - (d) Current street address.
 - (e) Well Depth.
 - (f) Static Water Level.
 - (g) Well Yield.
 - (h) Yield Measure Method
 - (i) Length of Yield Test
6. Minimum Residential Yield/Demand Requirement. The minimum acceptable yield and demand for residential units shall be three hundred fifteen (315) gallons per day per unit of residential occupancy at a demand rate of not less than two (2) gallons per minute for one (1) hour, either with or without the use of a storage system. The Report shall demonstrate that the water source can supply this yield and that the water so supplied will be potable.
7. Minimum Principal Non-Residential Yield/Demand Requirement. The minimum acceptable yield and demand for non-residential units shall be four hundred (400) gallons per day per unit of non-residential occupancy at a demand rate of not less than four (4) gallons per minute for one (1) hour, either with or without the use of a storage system. The Report shall demonstrate that the water source can supply this yield and that the water so supplied will be potable.
8. The Report shall contain a drawdown/well interference analysis as follows:
 - (a) For any Development proposing five (5) to ten (10) lots or dwelling units, either initially or cumulatively as of the effective date of this Ordinance, the report may be prepared using available reference information and data or may be prepared by on-site testing and observation.
 - (b) For any Development proposing eleven (11) or more dwelling units, including remaining lands, either initially or cumulatively as of the effective date of this Ordinance,

the report shall be prepared using on-site testing and observations.

- (c) A drawdown/well interference report shall be prepared for all non-residential Developments proposing water consumption of four hundred (400) gallons per day, either initially or cumulatively, as of the effective date of this Article.
- (i) For non-residential Developments proposing more than four hundred (400) gallons per day, but less than one thousand two hundred (1,200) gallons per day, either initially or cumulatively as of the effective date of this Article, the Report may be prepared using available reference information and data, or may be prepared by on-site testing and observation.
 - (ii) For non-residential Developments proposing one thousand two hundred (1,200) or more gallons per day, either initially or cumulatively as of the effective date of this Article, the Report shall be prepared using on-site testing and observations.
 - (iii) For those Tracts for which the drawdown/well interference report was prepared by using available reference information and data (as opposed to onsite testing and observation), and the Report indicates that the yield or demand will be within twenty five (25 %) percent of the minimum requirements as provided above, the applicant shall be required to install the well(s) and demonstrate that the supply is capable of meeting the yield and demand requirements prior to the application for any permits authorizing any construction upon the Tract.
 - (iv) The on-site testing and observations as required above shall be accomplished by at least one (1) pumped well and at least two (2) observation wells which have hydraulic continuity with the pumped well(s).
 - (v) The Report shall demonstrate that the groundwater recharge on the specific tract will exceed the anticipated water withdrawal during a one (1) in ten (10) year drought or a forty (40%) percent below normal reduction in precipitation for recharge based upon the following:
 - a. The area available for recharge shall be based upon post-developed impervious conditions.
 - b. The recharge rate may include estimated recharge from on-lot sewage disposal systems.
 - c. The recharge rate shall include an analysis of the impact of the post developed storm water management system.
 - d. The recharge rate may include estimated recharge from storm water management infiltration facilities based upon a forty (40%) percent reduction in precipitation.

- (vi) For residential Developments, the water withdrawal rate shall be based upon a rate of three hundred fifteen (315) gallons per day per three- (3) bedroom dwelling.
 - a. The water withdrawal rate shall be increased by ninety (90) gallons per day for each additional bedroom over three (3) bedrooms.

- (vii) Commercial, industrial, agricultural or any other non-residential Development water withdrawal rates shall be calculated by increasing the DEP sewage flows as provided Pennsylvania Code Title 25, Environmental Protection, Chapter 73, Standards for Sewage Disposal, Section 73.17, Sewage Flows, by twenty (20%) percent.
 - a. The Report shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.

- (viii) Water withdrawal rates for all other uses not provided for by the above shall be based upon the maximum anticipated peak demand increased by twenty (20%) percent.
 - a. The Report shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township.

 - b. The applicant shall develop a preliminary groundwater computer model to produce a plot of the anticipated drawdown within the groundwater system to demonstrate that the installation of the proposed water system(s) will not lower the groundwater table in the area so as to endanger or decrease the water supplies necessary for any existing or potential use(s) upon properties adjacent to the proposed project.

E. Review of and Effect of Report.

1. The applicant shall supply the Report to the Township Engineer for review to determine compliance with this Article. The Township Engineer shall determine whether the Report contains all information and studies this Article requires and whether the Report demonstrates that there proposed water supply for the Development meets the minimum standards of this Article.
2. The Township Engineer shall provide the Township Planning Commission and the Board of Supervisors with a review of the Report.
3. The Township Planning Commission shall review the Report and shall notify the Board of Supervisors whether the Development meets the minimum requirements of this Article for a safe, adequate and reliable water supply.

F. Regulations for Community Water Systems installed in the Township.

1. Any person who proposes the installation and use of a community water system shall demonstrate that the community water system meets the requirements of this Article for a safe, adequate and reliable water supply. Such person shall submit an application to the Township for a permit to operate a community water system which applicant shall include:
 - (a) A report prepared under this Article.
 - (b) A copy of all information supplied to DEP concerning the community water system.
 - (c) A copy of the DEP approval to operate the community water system.
2. The Township may annually inspect each community water system. The owner of the community water system shall pay all costs associated with the yearly inspection of the community water system. The person performing the inspection shall be deemed qualified by the Township to perform the inspections required by this Ordinance.
3. All persons who own a lot which is served by a community water system shall properly use such community water system. The owner of the community water system shall property maintain the community water system.
4. Any person who owns a lot served by a community water system, any person who occupies a lot served by a community water system, any person who owns a community water system, and any person maintaining a community water system shall report any malfunctioning or contamination of such community water system to the Township. Such report shall be made as soon as possible but in no case later than three (3) days after discovery of the malfunction or contamination.

Section 409 - Public Dedication of Park and Recreation Land (July 25, 2007)

1. Applicability and Intent - All residential subdivisions and residential land development plans consisting of eleven (11) lots/units, whether initially or cumulatively as of the effective date of this ordinance shall comply with the provisions of this section and shall provide for suitable and adequate recreation in order to:
 - a. Ensure recreation areas and facilities are adequate to serve the residents of the Township;
 - b. Maintain compliance with the conclusions and recommendations in the Township's Park and Recreation Plan;
 - c. Ensure that all residents have the opportunity to engage in varied recreation activities which includes passive and active forms of recreation;
 - d. Reduce the increasing user pressure on existing recreational areas and facilities.
2. Compliance Options - In accordance with recommendations of the Park and Recreation Board, all major residential subdivisions and residential land development plans consisting of eleven (11) or more lots/units, whether initially or cumulatively as of the effective date of this ordinance, shall be provided with park and recreation land that shall be dedicated to the Township; however, the developer may request the Township not require the dedication of land and any such request shall be accompanied by the following:
 - a. An offer to pay fee in lieu of dedication of land, computed in accordance with the regulations provided herein;
 - b. An offer to construct recreational facilities; and/or
 - c. An offer to privately reserve land for park and recreation purposes.
3. Dedication and Transfer Requirements
 - a. The amount of land required to be dedicated shall be four thousand three hundred and fifty-six (4,356) square feet per lot/unit proposed.
 - b. The amount of land required to be dedicated shall be transferred to the Township by deed of dedication immediately after the recording of the plan. The deed of dedication shall include the legal description of the area and shall be submitted with the final plan for approval by the Township Solicitor. Title to the land to be dedicated shall be good and marketable and free of all liens and encumbrances or other defects.
 - c. Prior to dedication, the applicant shall state what improvements, if any, the applicant intends to make to the land to make it suitable for intended purposes, such as grading, landscaping, and installation of recreational facilities. The land shall be free of construction debris at the time of dedication and shall not contain above ground or open stormwater management facilities.

4. Design Requirements for Land to be Dedicated

- a. The proposed park site shall be easily accessible from all areas of the subdivision or land development plan or larger regional area depending on the type of park being offered for dedication and/or developed. One side of land offered for dedication must abut a public street for a minimum distance of seventy-five (75) feet.
- b. Size, dimension, and shape of the park site shall be suitable to accommodate those park and recreation activities deemed appropriate to the location as determined by the Penn Township Parks and Recreation Department utilizing National Park and Recreation Standards and recommendations in the Penn Township Park and Recreation Plan.
- c. If available, the park site shall be located and designed to conveniently access public utilities including but not limited to sanitary sewer, potable water, and electric service.
- d. Whenever possible, the proposed park site shall be adjacent to other existing recreational lands to create a comprehensive recreation area.
- e. Land shall not be subject to or in any way encumbered by rights of way, streets, easements, or any restrictive covenants unless the Township determines that such items shall not interfere with the use of said land for recreational use.
- f. It shall be the responsibility of the applicant to complete all improvements (sidewalk, storm drainage, curbing, streets, utilities) required by the subdivision or land development plan.
- g. The applicant must clear and grade the site as required by the Township to blend into the development and to be suitably prepared for the intended recreational use.
- h. The Township may, after acceptance, reconvey such land to a public conservancy or a public park system as long as the land would remain available for use by the residents of the Township.
- i. The applicant shall provide and pay for any tests, investigations, inspections, surveys as required by the Township so as to assure immediate availability of land for recreational use. Such test, investigations, inspections or surveys may include, but not be limited to Phase I Environmental Study, Wetland Delineation, Flood Plain Delineation, Archaeological Study, Survey description of tract with pins installed.
- j. All lands proposed for dedication as a park shall be reviewed by the Penn Township Planning Commission and Park and Recreation Board. The Park and Recreation Board shall review the proposal and make a recommendation to the Penn Township Planning Commission on the suitability of the proposed land for dedication as a park within thirty (30) days; otherwise the proposal shall be deemed acceptable by the Penn Township Park and Recreation Board. The Penn Township Planning Commission, utilizing the information and recommendation from the Park and Recreation Board, shall provide a recommendation to the Penn Township Board

of Supervisors on the suitability of the proposed land for dedication as a park.

5. Design Criteria for Land to be Dedicated

- a. A maximum of fifteen (15%) percent of the total land area required by this ordinance to be provided for recreation may be located within one-hundred year flood plain area, consist of wetlands, or have a slope in excess of six (6%) percent or any combination thereof.
- b. A minimum of eighty-five (85%) percent of the land will be relatively flat topography that does not exceed six (6%) percent and shall consist of land with suitable soil conditions for development and use as a recreation area.
- c. In the event the site contains natural features which are worthy of preservation, the developer may request that the Township permit the provision of recreational land configured in such a manner as to best preserve natural features.

6. Land Dedication Versus Fees

- a. The Penn Township Planning Commission shall recommend to the Board of Supervisors whether land dedication or the payment of fees is desirable. This recommendation may be made at the time of the sketch plan or preliminary plan review by the Planning Commission. The Planning Commission shall consider at a minimum the following points in reaching its decision:
 - i. Whether the land proposed to be dedicated would serve a valid public purpose.
 - ii. Whether the proposed land meets the standards of the Penn Township Park and Recreation Plan.
 - iii. Recommendations received from the Penn Township Park and Recreation Board.

7. Fees on Lieu of Land Dedication Requirement

- a. Where the Penn Township Board of Supervisors determines that because of size, shape, location, access, topography, or other physical features of the land that is impractical to dedicate land to the Township or set aside a recreation area as required by this ordinance, the Board of Supervisors shall require a payment in fee-in-lieu of such land which shall be payable to the Township prior to recordation of the plan, or by other arrangements agreed upon by the Board. Such fees shall be paid per lot and/or unit proposed. Fees shall be set by the resolution of the Board of Supervisors.
- b. All fees shall be held and used by the Township in accordance with the requirements of Article V, Section 503(11) of the Pennsylvania Municipalities Planning Code.

8. Private dedication of Land - The Penn Township Board of Supervisors may accept the private reservation of the required percentage of land in lieu of public dedication. The use of private land for recreation shall meet the land dedication formula in Section 409.3.a, design requirements in Section 409.4 and design criteria in

Section 409.5. In such event, the applicant shall satisfy the Board of Supervisors that adequate provisions to assure retention of all future maintenance of such recreation areas by maintaining ownership, or by providing for and establishing an organization for the ownership and maintenance of the recreation area.

9. Optional Recreation Procedure - Upon agreement by the applicant, the Township may accept the construction of recreational facilities, the payment of fees-in-lieu thereof, the private reservation of land for recreational purposes, the dedication of land located on other areas of the Township, or a combination thereof.