

**DAMASCUS TOWNSHIP WAYNE  
COUNTY, PENNSYLVANIA**



**SUBDIVISION AND LAND  
DEVELOPMENT ORDINANCE  
COMPILATION 2008**

**DAMASCUS TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMPILATION -- 2008**

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**INTRODUCTION**

This compilation has not been adopted as a whole by the Board of Supervisors, but simply includes all the provisions of the Subdivision and Land Development Ordinance of 1998 and subsequent amendments as cited below. The intent is to facilitate the public's use of the Subdivision and Land Development Ordinance and amendments. Nevertheless, the provisions of the underlying ordinances remain in full force and effect and shall apply to the extent that the provisions of same have not been changed by any subsequent amendment.

This document is a compilation of the following:

Subdivision and Land Development Ordinance of April 6, 1998  
Ordinance No. 2007-02 including six items.

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**ARTICLE I - GENERAL PROVISIONS**

**101 Title and Short Title**

This is an Ordinance providing for the regulation of subdivisions and land developments within the Township of Damascus, Wayne County, Pennsylvania. It may be cited as the "Damascus Township Subdivision and Land Development Ordinance".

**102 Authority**

This Ordinance is adopted under the authority provided Damascus Township by the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

**103 Purposes**

This Ordinance is adopted for the following purposes:

- A. Promoting the orderly growth and development of the Township in accordance with the Damascus Township Wastewater Facilities Plan.
- B. To promote, protect and facilitate the health, safety, morals and welfare of the Township residents and for the preservation of the environment.
- C. Minimizing foreseeable maintenance and improvement of problems as well as economic burdens associated with development of land.

**104 Jurisdiction**

This Ordinance shall apply to all subdivisions of land and land developments made on or after the effective date of the Ordinance and not yet recorded, including mobile home parks and recreational land developments.

**105 Interpretation, Conflict and Reparability**

**105.1 Interpretation**

The provisions of these regulations in their interpretation and application shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

**105.2 Conflict**

These regulations are not intended to interfere with, abrogate, or annul any other Ordinance rule or regulation statute or provision of law. Where any of the provisions of these regulations impose restrictions different than any other Ordinance rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control unless clearly specified otherwise. This Ordinance shall entirely repeal the Damascus Township Ordinance entitled "Damascus Township Subdivision Regulations", which was adopted the 13th day of May, 1974 and last amended the 6th day of May, 1991.

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**105.3 Separability**

If any part or provision of these regulations is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in application to the part or provision directly on which judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Township hereby declares that it would have enacted the remainder of these regulations even without such part or provision or application.

**106 Modifications**

The Township Supervisors shall have the power to grant a modification of the requirements of one or more provisions of this ordinance if the literal enforcement will cause undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.

All requests for modifications shall be in writing, and be submitted by the applicant as part of the development application, and shall include:

- A. The specific provision(s) and/or Section(s) of the Ordinance in question.
- B. The minimum modification necessary.
- C. Justification for the modification including the full grounds and facts of unreasonableness or hardship.
- D. In authorizing a modification, the Township may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this ordinance.
- E. The Township Planning Commission may provide recommendations concerning modification request.
- F. The Board shall keep a written record of all action on all requests for modifications. If the Board denies the request, the applicant shall be notified in writing, of the reasons for denial. If the modification is granted, the final plan shall include a note which identifies the modification as granted.

**107 Appeals**

In any case when the Township Board of Supervisors disapproves a subdivision plan, any person aggrieved thereby may appeal the decision pursuant to the Pennsylvania Municipalities Planning Code.

**108 Preventive Remedies**

In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from subdivision of real property in violation with this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:

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- A. The owner of record at the time of such violation.
- B. 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.
- C. 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.
- D. 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. As an additional condition for issuance of a permit or granting of an approval to any such owner, current owner, vendee or lessee for development of any such real property, the Township may require compliance with conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

**109      Enforcement Remedies**

District justices shall have initial jurisdiction in proceedings brought under this section.

Any person, partnership, or corporation who or which violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than Five Hundred Dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of the violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

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.

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.

**110      Amendments**

The Supervisors may, after public hearing, amend these regulations pursuant to the Pennsylvania Municipalities Planning Code. These regulations shall also be considered amended whenever any provision of the aforementioned Code is itself amended to require or authorize actions different from those specified herein.

**111      Municipal Liability**

The approval of a subdivision and/or land development plat, or of any improvement installed, shall not constitute a representation, guarantee, or warranty of any nature by the municipality or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the municipality or such

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official, employee or appointee for any damage that may result pursuant thereto.

**112      Enactment and Effective Date**

See original ordinances for enactment details.

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**ARTICLE II - PLAN SUBMISSION AND REVIEW REQUIREMENTS**

**201 Procedures and Requirements for Minor Subdivisions**

The following procedures and requirements shall apply to minor subdivisions only. (See definitions - Article VI.) All other subdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified in Sections 202-207 of this Ordinance. Minor subdivisions shall not be subject to these particular requirements, but shall comply with the remainder of this Ordinance.

**201.1 Application Requirements**

Any person proposing to create a minor subdivision shall submit along with plans required in below, five (5) copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/or include:

- A. The name, address and telephone number of the property owner of record and those of the subdivider, if different.
- B. The name or number of the road where the proposed subdivision is to be located.
- C. The name, address and telephone number of the surveyor preparing the subdivision plans.
- D. The type of water supply proposed.
- E. The type of sewer system proposed and permit number, if granted.
- F. Fee or receipt for the same from the Township Secretary.
- G. A brief narrative describing the intent and purpose of the subdivision.

**201.2 Plan Requirements**

The subdivider shall submit five (5) copies of the Final Plan and required supplementary data for the proposed subdivision. This plan shall be prepared by a qualified surveyor, licensed in the state of Pennsylvania, and shall show all lots proposed to be created. The Final Plan shall meet the following requirements:

- A. The map shall when possible be drawn at a size compatible with Wayne County tax maps and shall be not less than 11" X 17" nor more than 24" X 36" in size.
- B. The names of of abutting property owners and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
- C. The map shall show the name of the municipality, name of the owner of record, North point, graphic scale, and date.
- D. Soil types found on the site shall be shown unless the lots involved are lot improvements or contain existing sewage systems. Soil names used in the Soil Survey of Wayne County, Pennsylvania shall be used. A Soil Survey map inset is acceptable.
- E. Existing public roads shall be identified by traffic or legislative route numbers (as well as names if available) and private roads by their posted names and numbers.
- F. Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot as well as accurate bearings. Lot areas shall be shown in acres or square feet. The map shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider, and show adjacent lots already taken from the parcel.



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- G. A Planning Module for Land Development (or such other comparable documentation as may be required by the Pennsylvania Department of Environmental Protection), along with a soils evaluation by the test pit method and/or other required supplemental data shall be reviewed by the Township Sewage Enforcement Officer and submitted in a form suitable for adoption by the Township as a supplement to the Township Official Wastewater Disposal Plan.
- H. A copy of an approved driveway permit shall be presented with the final plan, where a lot or lots face a State highway. When the lot or lots encroach on a township road, written consent from the Board of Supervisors that the lot or lots qualify for permit application will be required.
- I. A location map inset at a scale of 1" = 2000' shall be provided. USGS map or equal is acceptable.
- J. A wetland location map inset at a scale of 1"=2000' shall be provided. A USF&WS National Wetland Inventory map or equal is acceptable.
- K. Tax map numbers and deed references shall be provided for the property being subdivided.
- L. Building setback lines shall be either depicted graphically or listed.
- M. All applicable zoning data.
- N. All plans shall be sealed and signed by the surveyor completing the work.
- O. Floodplain boundaries, if applicable, and evidence of compliance with Township, State and Federal floodplain management requirements.

**201.3 General Procedures**

- A. The subdivider shall submit the application for minor subdivision approval, along with the required copies of the plan, to the Township Planning Commission during posted Township office hours at least thirteen (13) days prior to their first regular monthly meeting. The Planning Commission, after reviewing the plan and determining the application to be complete and lacking any detrimental findings, shall note receipt of the plan and forward a copy of the plan, together with a fee sufficient to cover the costs of review to the Wayne County Department of Planning for a review and report not to exceed 30 days as per the requirements of the Pennsylvania Municipalities Planning Code. (Checks shall be made payable to the Wayne County Department of Planning.) The Planning Commission, where appropriate, shall also forward a copy of the application to the Township code enforcement officer(s), Township Engineer, Township Stormwater management officer and other agencies for analysis of its compatibility with this and other Damascus Township ordinances. Incomplete applications shall be returned to applicants by the Planning Commission with or without the other review agencies' advice, and shall be accompanied by a written explanation of the items which are missing.
- B. The Township Planning Commission at their next regular meeting shall review the recommendations of the review agencies and approve or disapprove the minor subdivision. The plan together with the Planning Commission recommendation shall then be forwarded to the Board of Supervisors for their review. All review agencies shall make recommendations to the Board of Supervisors, which recommendations shall be in letter form or noted on the plats submitted.
- C. The Supervisors shall act no later than ninety (90) days following the filing date. The Township Supervisors shall decide to approve or disapprove the minor subdivision and concurrently act on the proposed supplement to the Official Wastewater Facilities Plan only after receiving the Planning Commission's recommendation on the same. The Board shall communicate their decision in writing to the applicant within fifteen (15) days following the action (within ninety (90) days following the filing date), setting forth any reasons for

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disapproval if that should be their decision.

**202 Procedures and Requirements for Major Subdivisions**

**202.1 Sketch Plan Procedures**

A Sketch Plan may be submitted to the Township by the owner of any land to be subdivided or developed, for the purpose of classification and preliminary discussion of the proposed subdivision or land development. No action will be taken by the Township with respect to a Sketch Plan and no discussions concerning the same shall later be construed to have implied approval of any sort.

**202.2 Preliminary Plan Procedures**

- A. Nine (9) copies of an application and Preliminary Plan shall be required for all proposed major subdivisions and land developments; and, the copies shall be submitted to the Township Planning Commission during posted Township office hours at least thirteen (13) days prior to their first regular monthly meeting. The Preliminary Plan shall include all the items identified in Section 204 below and shall be submitted to the Township Planning Commission which shall note receipt of the application. (The Planning Commission shall also forward a copy to the Township Code Enforcement Officer (s), Township Engineer, Township Supervisors, Township Stormwater management officer and other applicable agencies for analysis of compatibility with other Damascus Township Ordinances). The plan shall be forwarded to the Wayne County Department of Planning in the same manner provided for as minor subdivisions. Preliminary Plans shall be processed in the same manner as Minor Subdivision Plans.
- B. The Township Engineer and Planning Commission shall review the Preliminary Plan to ascertain whether it complies with the requirements of this Ordinance. It may request the subdivider to submit additional information, make certain corrections or changes, or return the Plan as incomplete and, therefore, not acceptable for filing.
- C. The review agencies (other than the Wayne County Planning Commission) shall, no later than forty-five (45) days following the filing date, make its recommendation for approval or
- D. disapproval and submit a report to the Board of Supervisors. The Board of Supervisors shall make its decision regarding the Preliminary Plan within thirty (30) days of its receipt of the reports and communicate that decision in writing to the applicant for disapproval, should that be the decision.
- E. The Board shall concurrently make its decision with respect to the Planning Module for Land Development to revise or supplement its Official Plan and, if approval is granted, said revision or supplement will promptly be forwarded to DEP. Preliminary approval shall be conditional upon DEP acceptance of the proposed revision and immediately null and void if DEP approval is not granted.
- F. After receiving approval of a Preliminary Plan, (or when conditions are removed), the subdivider shall install or guarantee installation of the improvements required by this Ordinance and commence the preparation of Final Plans. In the absence of actual installation of improvements, the subdivider may otherwise guarantee them according to the requirements of Section 205.

**202.3 Final Plan Procedures**

- A. Following the installation and inspection of improvements or preparation of satisfactory guarantees for their installation and maintenance, the subdivider may submit Final Plans to

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the Township Planning Commission during posted Township office hours at least thirteen (13) days prior to their first regular monthly meeting. Final Plans shall be processed in the same manner as Preliminary Plans. Final Plans may be submitted in stages. However, no Preliminary Plan (or portions of such Plan) shall remain valid for development of Final Plans after a period of five years from Preliminary Approval and no Final Plans will be approved for any subdivision or land development for which DEP has not approved the necessary revision to the Official Wastewater Disposal Plan.

- B. Following approval of the Final Plan by the Board of Supervisors the subdivider shall, within ninety (90) days, officially record the Final Plan in the Office of the Wayne County Recorder of Deeds. Failure to do so will render the plan void and the subdivider shall resubmit the Plan for approval including any filing fees required.

**203 Sketch Plans for Major Subdivisions**

The Sketch Plan should be at a scale sufficient to show the entire tract on one sheet, and should show or include the following:

- A. The location of that portion which is to be subdivided in relation to the entire tract.
- B. All existing structures and wooded areas within the portion to be subdivided.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records.
- D. All streets or roads, streams, water, sewage and gas and power lines within 500 feet of the subdivision.
- E. The tentative layout of the remainder of the tract owned by the subdivider.
- F. North Point, graphic scale, date and name/address of subdivider and landowner.
- G. A location map with sufficient information to enable the locating of the property. A USGS map is sufficient.

**204 Preliminary Plan Requirements for Major Subdivisions**

The Preliminary Plan shall be clearly and legibly drawn at a scale compatible with Wayne County tax maps. Maps shall be not less than 11 " x 17" nor more than 24" x 36" in size and should, when possible, show the entire tract to be divided. Any person proposing to create a major subdivision and/or land development shall submit, along with plans required below, nine (9) copies of an application as described in Section 201.1.

The Plans will contain the following information:

- A. Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within Wayne County. The name and address of landowner and subdivider shall also be provided.
- B. Location by municipality, County and State. The plan shall also include tax map numbers for affected and adjacent parcels and a 1" = 2000' location map.
- C. North point, date and graphic scale.
- D. Boundaries of total tract and acreage contained within it plus deed book references.
- E. Locations, names and widths of rights-of-way of all streets, widths of Utility rights-of- way, parks and public grounds, permanent buildings in, or adjacent to the subdivision which will have an effect on the design, and all open space easements.

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- F. Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and au other items above or below ground with direction of flow and pressure.
- G. Names of owners of abutting properties, and lines showing where they intersect.
- H. Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Township reserves the right to request greater detail when the scope or nature of the development demands the same.
- I. Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by the Township Road Ordinance, including profiles, cross-sections, and preliminary designs for bridges and culverts.
- J. The proposed layout, numbering and approximate dimensions and acreage of lots.
- K. Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents or developer, shall be shown and marked as such.
- L. Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown .
- M. All drainage easements shall be shown and marked as such.
- N. Approximate final grades in areas of cut or fill shall be shown.
- O. Any lots designated for Uses other than residential shall be indicated.
- P. Proposed covenants and restrictions.
- Q. Evidence of water supply. In cases where no public supply is planned as part of the subdivision, the subdivider shall supply acceptable evidence of the availability of other potable water source. This evidence may be in the form of logs from test wells by the subdivider, or logs from existing wells established by professional well drillers.
- R. The subdivider shall present a letter from each utility company servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
- S. A letter from the Wayne County Conservation District indicating that an erosion and sedimentation plan has been approved for the proposed project.
- T. Storm water management plan.
- U. Planning Module for Land Development, along with all information required in order to approve as supplement to the Official Plan.
- V. All applicable zoning data.
- W. Approved applications to Damascus Township and/or the Pennsylvania Department of Transportation for street encroachment or highway occupancy permit.
- X. Floodplain boundaries, if applicable, and evidence of compliance with Township, State and Federal floodplain management requirements.
- Y. Wetland boundaries, if applicable, and evidence of compliance with Township, State and Federal rules and regulations pertaining to such.

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**205 Requirements for Guarantee of Improvements**

**205.1 Methods to be followed**

After approval of the Preliminary Plan, the subdivider, in a manner consistent with the Pennsylvania Municipalities Planning Code, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide useable and desirable lots). Before requesting Final Plan approval, the subdivider must:

- A. Install all the improvements approved on the Preliminary Plan and required in Article III at the standards required, or
- B. File with the Secretary of the Township a performance guarantee to insure installation and construction of all required improvements at the standards required. Such guarantee shall meet with the approval of the Township Solicitor as to form and procedure.

The subdivider shall meet with the Township Engineer to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.

**205.2 Performance Guarantee**

This section is designed to be consistent with Section 509 to 511 of the Pennsylvania Municipalities Planning Code and the Township hereby incorporates all authorities and requirements contained therein as part of this Ordinance.

- A. Posting - The performance guarantee must be approved by the Board with the advice of the Township Attorney and Engineer, and must:
- B. Be a corporate Surety bond, certified check, or other security, provided the same is satisfactory to the Board and consistent with the requirements of the Pennsylvania Municipalities Planning Code.
- C. Be payable to the municipality in which the, subdivision is located.
- D. Be in an amount sufficient to complete the improvements in compliance with these regulations plus expected cost increases as provided for in the Pennsylvania Municipalities Planning Code.
- E. In the case of cash or its equivalent, be held in, an escrow fund in the name of the municipality.
- F. Specify a satisfactory completion date for improvements which shall not be more than one (1) year from the date of the Final Approval. Provisions may also be made, pursuant to the aforementioned Code, for completion of improvements in phases or over a longer period, in cases of large developments.
- G. Return - When the improvements have been completed and approved for conformity with these regulations by the Township Engineer or other qualified individual designated by the Township and accepted by the Township Board of Supervisors, the guarantee must be released and returned. When any of the required improvements have been completed and approved or materials for the same have been secured on-site, a portion of the security commensurate with the cost of these improvements, may be released and returned.
- H. Default - In the event of default, the obliger and Surety shall be liable thereon to the Township for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the municipality may, at its option, install part of such improvements in all or part of the

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

**205.3 Fees to Cover Inspection and Related Costs**

Prior to the certification of any improvements or release of any guarantee, the subdivider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in Section 208 of these Regulations. Said payment shall be made to the Township Board of Supervisors.

**205.4 Maintenance Bond**

Where improvements are being dedicated to the Township, the subdivider shall comply with the applicable requirements of any other Township Ordinances governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen (18) months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, Subject to approval of the Board of Supervisors.

**206 Final Plan Requirements for Major Subdivision**

The Final Plan shall be prepared on one or more sheets at least 11" x 17" in size or not more than 24" x 36" in size coinciding with requirements of the Wayne County Recorder of Deeds. Final Plan attachments and exhibits shall be numbered and labeled in accordance with the requirements of this Section and a "subdivision checklist" to be developed by the Township. The Final Plan shall include, in addition to the information required for the Preliminary Plan Submission, the following:

- A. Exact locations, widths and names of all streets and all crosswalks within the subdivision.
- B. Complete curve data for all curves included in the Plan.
- C. Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.
- D. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon.
- E. Building setback lines, shown graphically with dimensions.
- F. A final version of all restrictions and covenants, if any, the developer intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
- G. The total tract boundary lines of the area being subdivided, with accurate distance to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the surveyor shall certify the placement of the monuments.
- H. The Final Plan shall contain a certificate signed by the project engineer indicating that all improvements have either been installed and approved by the proper officials or agencies, or

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that a guarantee in an amount satisfactory to the Township Engineer and sufficient to ensure their installation has been submitted to the Township.

- I. Complete final construction plans and profiles of installed or proposed public sanitary sewage disposal systems and storm drains, with grades and pipe sizes, unless private septic tanks are to be used.
- J. Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations of valves and fire hydrants, if any, unless private wells are to be used.
- K. Evidence of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision. A letter or contract committing to service shall be required.
- L. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 4000 feet of any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
- M. Blank approval blocks for the Township Board of Supervisors stamp and signatures shall appear on every sheet of the set of plans.
- N. A letter from the Wayne County Conservation District indicating that an erosion and sedimentation plan has been approved for the proposed project.
- O. Copies of street encroachment/highway occupancy permits.

Each Final Plan submission shall, in addition to the items required above, include new submissions of Preliminary Plan data in any instance where there has been a change in the plans or the circumstances surrounding them.

**207 Lot Improvements**

Lot improvement subdivisions shall be exempt from the normal procedure requirements of this Ordinance and require no waivers as to minimum lot size standards. Instead, all lot improvement subdivisions shall be concurrently forwarded, upon receipt, to Township and County Planning Commissions for a thirty (30) day review opportunity and then acted upon as Final Plans by the Board of Supervisors within an additional 30 days. To qualify as a lot improvement, the subdivision shall:

- A. Involve the addition of land to an existing parcel with resulting improvement in:
- B. Ability of that parcel to comply with setback or other Ordinance standards
- C. Suitability of the parcel for building development, or
- D. The availability of open space
- E. Not reduce the ability of the lot from which the improvement parcel is taken to comply with the applicable standards of this Ordinance.
- F. Include a map restriction to the effect that the improvement parcel will never be considered a separate building lot apart from the tract to which it is being added.
- G. Provide a deed indicating the properties being joined as one parcel. The applicant is also required to file said deed in the Wayne County Register and Recorder's Office.

**208 Fees**

At the time an Application for subdivision approval is filed, a fee shall be paid to the Township by the

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subdivider; such fee is to be determined from a schedule of fees as adopted by the Board of Supervisors by resolution.



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**ARTICLE III - DESIGN STANDARDS**

**301 Application**

The design standards and requirements set forth in this Article shall be observed as minimums by the subdivider in the design of each subdivision within Damascus Township. The Township may require more restrictive standards where necessary to protect health, safety and welfare of the public, and where circumstances unique to the property so dictate.

**302 General Provisions**

The general provisions contained in this Section 302 shall apply to the planning of all subdivisions and land developments, and are intended for the preservation of the environment and the promotion of the public health, safety and general welfare and shall be considered in such terms by the Damascus Township Planning Commission and by the Damascus Township Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

**302.1 Application of Specific Standards**

Many of the provisions in this Section 302 are intended to be advisory to applicants for the planning of subdivisions and land developments. However, in cases where a specific standard is provided, it shall be applied as stipulated. Where specific standards in this Section 302 are not provided, the specific standards in the balance of Article III, Article IV and Article V shall be applied.

**302.2 Full Development Potential; Clarification of Terms**

Nothing in this Section 302 is intended to prevent an applicant from achieving the full development potential of a tract of land provided such development meets all of the specific development standards in this Ordinance and other Township ordinances. As used in this Section 302, the term *should* is advisory; and *minimize(d)* shall mean reduce(d) to the smallest possible amount, extent, size, or degree within the limits of the applicant's plans and the requirements of this Ordinance and other Township ordinances.

**302.3 Site Considerations and Requirements**

- A. Planning - The development shall be consistent with to the proposals and conditions shown in the Township Comprehensive Plan and any local or regional plans adopted by a municipality to which this ordinance applies. The streets, drainage, rights-of-way, school sites, public parks and playgrounds shown on the officially adopted Plan or Official Map shall be considered in the approval of all plans. In the case of major subdivisions and land developments the applicant shall submit a narrative detailing how the development conforms to any applicable plan.
- B. Contiguous Lands - Where the owner of the site under consideration owns contiguous land suitable for development, the subdivision plan shall consider the future development of all such contiguous lands in order to be coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations. This provision, however, may be waived in full, or in part, by the Township if it is not considered essential to the evaluation of the plans for the current development tract.
- C. Improvements, Specifications - Additional improvements, or improvements of more stringent specifications, may be required in specific cases where, in the opinion of the Board of Supervisors, such specifications are necessary to create conditions essential to the health, safety, and general welfare of the citizens of the Township and/or to protect the environment of the Township.

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- D. Hazard Areas - Those areas which may present such hazards to life, health or property as may arise from fire, flood or noise, or are considered to be uninhabitable for other reasons, shall not be subdivided for building purposes unless the hazards have been eliminated or the plans show adequate safeguards against the hazards. Sources for determining and evaluating potential hazards may include historical records, soil evaluations, engineering studies, expert opinions, standards used by licensed insurance companies and adopted regional, county or local municipal policies.
- E. Remnants; Development Design; Neighboring Development - All portions of a tract being subdivided shall be taken up in lots, streets, open lands, or other proposed uses, so that remnants and landlocked areas shall not be created. The layout of a subdivision shall also be planned with consideration for existing nearby developments or neighborhoods so that they are coordinated in terms of interconnection of open space, traffic movement, drainage and other reasonable considerations.
- F. Natural Features - Care shall be taken to preserve natural features such as agricultural land, woodland and specimen trees, wetlands, water courses, views, and historical features, such as buildings and stone walls, which will maintain the attractiveness and value of the land.

**302.4 Natural Features in Major Subdivisions and Land Developments**

- A. Groundwater Resources - This section is intended to ensure that the Township's limited groundwater resources are protected for purposes of providing water supplies for its residents and businesses, and to protect the base flow of surface waters. All major subdivisions and land developments shall be designed to cause the least practicable disturbance to natural infiltration and percolation of precipitation to the groundwater table through careful planning of vegetation and land disturbance activities, the use of bio-retention areas and infiltration trenches, and the placement of streets, buildings and other impervious surfaces in locations other than those identified as having the greatest permeability where precipitation is most likely to infiltrate and recharge the groundwater.
- B. Stream Valleys, Swales, Springs, and Other Lowland Areas - Stream valleys (which include stream channels and flood plains), swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, ground water recharge functions, importance to water quality and the health of aquatic communities, and wildlife habitats. Such areas are generally poorly suited for on-site subsurface sewage disposal systems. The following activities shall be minimized:
  - 1) Disturbance to streams and drainage swales.
  - 2) Disturbance to wetlands, areas with seasonally high water tables, and areas of surface water concentration.
- C. Woodlands - Woodlands occur extensively throughout the Township, often in association with stream valleys and wet areas, poor and erodible agricultural soils, and moderate to steep slopes. Woodland conditions within the Township vary with respect to species composition, age, stocking, and health. They range from relatively recent post-agricultural young stands to mature mixed-age forests. Most woodlands in the Township represent one or more of the following resource values:
  - 1) As soil stabilizers, particularly on moderate to steep slopes, thereby controlling erosion into nearby streams, ponds, impoundments and roads. A closely related function is their enhancement of ground water recharge
  - 2) As a means of ameliorating harsh micro-climatic conditions, in both summer and winter.
  - 3) As a source of wood products, i.e., poles, saw timber, veneer and firewood
  - 4) As habitats for woodland birds, mammals and other wildlife.

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- 5) As recreation resources for walkers, equestrians, picnickers and other related outdoor activities
- 6) As visual buffers between areas of development and adjacent roads and properties.
- 7) Because of their resource values, all woodlands on any tract proposed for subdivision or land development shall be evaluated by the applicant to determine the extent to which such woodlands should be designated partly or entirely as open space or development lands. Evaluation criteria include:
  - a) Configuration and size.
  - b) Present conditions, i.e., stocking, health and species composition.
  - c) Site potential, i.e., the site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.
  - d) Ecological functions: i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats.
  - e) Relationship to woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.
  - f) The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturist or another qualified professional acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for a preliminary plan. At a minimum, that report shall include one or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria above.
- 8) In designing a major subdivision or land development plan for any tract, the applicant shall be guided by the following standards:
  - a) Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodland areas.
  - b) Developments shall be designed to minimize the disturbance of woodlands along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them should be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, under story and canopy vegetation.
  - c) Disturbance or removal of woodlands occupying environmentally sensitive areas shall be minimized. This shall include but not necessarily be limited to, vegetation performing important soil stabilizing functions on wet soils, stream banks and sloping lands.
- D. Upland Rural-Agricultural Areas - These areas comprise fields, pastures, meadows, and former agricultural areas in early stages of woodlands succession, with fences, stone walls, tree copses and hedgerows, typically bordered by stream valleys and upland woodlands. These comprise the Township's historic working landscape, dotted with historic houses, barns and other structures. They give the Township much of its rural character. They also contain the greatest concentration of prime agricultural soils. Because of their openness and high visibility, development in these areas is likely to be most readily seen and disruptive to the historic landscape. Such areas sometimes provide habitat for wildlife, in conjunction with nearby woodlands and stream valleys. However, it is recognized that these areas also frequently offer the fewest constraints for development. These include prime agricultural soils and natural features which visually punctuate the landscape, such as hedgerows, tree copses,

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stone walls, and visually prominent places such as knolls and hilltops. These areas can also accommodate development, with preferred locations being the non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive. Compact clustered residential designs, with coordinated architectural and landscape architectural themes, are encouraged in highly visible locations where future development cannot be avoided (such as at the far edge of open fields).

- E. Slopes - Moderately sloping lands (15 to 25 percent) and steeply sloping lands (over 25 percent) are prone to severe erosion if disturbed. Erosion and the resulting overland flow of soil sediments into streams, ponds and public roads, are detrimental to water quality and aquatic life, and a potential hazard to public safety.
  - 1) Areas of steep slope shall be preserved in accordance with the Zoning Ordinance.
  - 2) All grading and earthmoving on slopes exceeding fifteen (15) percent shall be minimized.
  - 3) Roads and driveways should follow the line of existing topography to minimize the required cut and fill.
- F. Significant Natural Areas and Features - Natural areas containing rare or endangered plants and animals, as well as other features of natural significance exist throughout the Township. Some of these have been carefully documented, e.g., by the Statewide Natural Diversity Inventory, whereas for others, only the general locations are known. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features by incorporating them into proposed open space areas or avoiding their disturbance in areas proposed for development.
- G. Historic Structures and Sites - The Township's documented historical resources begin with the Native Americans in the early 18th century and extend through its colonial agricultural, residential and industrial development in the late 18th and 19th centuries. Subdivisions and land developments should be designed to protect existing historic resources. The protection of an existing historic resource can be accomplished by modifying the design, relocating proposed lot lines, or providing landscape buffers. The applicant shall notify the Township of all interaction with the State Historical and Museum Commission with regard to the preservation of historic resources as required for DEP approval of proposed sewage disposal systems.
- H. Trails - When a subdivision or land development proposal is traversed by or abuts an existing public trail, the Board of Supervisors shall require the applicant to make provisions for continued recreational use of the trail.

The applicant may alter the course of the trail within the tract for which development is proposed under the following conditions:

- 1) The points at which the trail enters and exits the tract remain unchanged.
- 2) The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture (For example: Bureau of State Parks publication Non-Motorized Trails).
- 3) The proposed alteration does not coincide with a paved road intended for use by motorized vehicles.
- 4) When trails are intended for public or private use, they shall be protected by a permanent conservation easement on the properties on which they are located. The width of the protected area in which the trail is located should be a minimum of ten feet. The language of the conservation easement shall be to the satisfaction of the Board of Supervisors upon recommendation of the Township Solicitor.

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- 5) The land area permanently designated for trails for public use may be credited toward any open space requirement.
- 6) An applicant may propose and develop a new trail. If said trail is available for use by the general public and connects with an existing trail, the land area protected for said trail may be credited toward any open space requirement.
- 7) Trail improvements shall demonstrate adherence to principles of quality trail design.
- 8) Trails shall have a vertical clearance of no less than ten (10) feet.
- 9) Width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall be less than three (3) feet or greater than six (6) feet.
- 10) No trail shall be designed with the intent to accommodate motorized vehicles.

**302.5 Boundary Lines and Reserve Strips**

Lot lines should follow municipal and county boundary lines, rather than cross them. Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

**302.6 Water Frontage and Surface Drainage**

Damming, filling, relocating or otherwise interfering with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the Wayne Conservation District, the Pennsylvania Department of Environmental Protection, and the US Army Corps of Engineers.

**302.7 Community Facilities and Comprehensive Plan Requirements**

Where a proposed park, playground, school, or other public use is shown in the Township comprehensive plan and is located in whole or in part in a proposed development, the Township may require the reservation of such area provided that such reservation is acceptable to the Township and the developer.

**302.8 Walkways**

Pedestrian interior walks may be required where necessary to assist circulation or provide access to community facilities (such as a school).

**302.9 Storm Drainage**

Lots and/or parcels shall be laid out and graded to provide positive drainage away from buildings and to prevent damage to neighboring lots, tracts, or parcels. Where applicable, detention basins or other water retention methods shall be required by the Township.

**302.10 Planned Improvements**

Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the approved preliminary plan.

**302.11 Improvements Specifications**

- A. All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township and advice of the Township Engineer.

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- B. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, Wayne County, PA Department of Transportation, Pennsylvania Department of Environmental Protection, Bureau of Forestry or such other County, State or Federal agency as may be applicable.
- C. If there are no applicable regulations, the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

**302.12 Other Ordinances**

Whenever other Township ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be observed, otherwise, the standards and requirements of this Ordinance shall apply.

**303 Blocks and Lots**

**303.1 Blocks**

- A. Blocks shall ordinarily not exceed 2000 feet in length.
- B. Pedestrian interior walks may be required, where necessary to assist circulation or provide access to Community facilities. Such crosswalks shall have a right-of-way of not less than ten (10) feet and be all-weather-surfaced for not less than four (4) feet in width.
- C. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a major street, or where it backs up to a railroad, creek, or other natural barrier unsubdivided area.
- D. Where a subdivision adjoins a major state highway (one which is designated and marked for two lanes or more and carries at least 100 vehicles per day), the greater dimension of the block shall front along said highway, and interior streets may be required to minimize the number of points of access. Such streets may be required whenever topographic conditions, traffic density or lack of proper sight distance dictate for reasons of health and safety. Any subdivision of five lots or more with frontages averaging less than 300 feet along the highway shall be subject to this requirement, if the Township Board of Supervisors determines, after inspection, that such is necessary for the above stated reasons.
- E. Cul-de-sac streets, permanently designed as such, shall not exceed one thousand (1000) feet in length and shall furnish access to not more than twelve (12) dwelling units. Cul- de-sac streets shall have, at the closed end, a turn-around with the right-of-way having a minimum outside diameter of not less than one hundred (100) feet and shall be paved to a diameter of not less than eighty (80) feet. Drainage of cul-de-sacs shall preferably be toward the open end.

**303.2 Lots**

- A. All side lines of lots shall be at approximately right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a safer layout.
- B. Double frontage lots shall ordinarily not be plotted, except as specifically provided herein. In that event, a planting strip of at least twenty (20) feet in width may be required along the back of the lot.
- C. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots, unless designated as common area.
- D. Either of the two sides of a corner lot may be designated as the front, provided the rear yard shall always be opposite the frontage so designated. All corner lots shall have a curve with a

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minimum radius of twenty (20) feet joining the intersecting right-of-way lines.

- E. All lots shall front on a public or private street (existing or proposed) and the right-of-way of the principal access to any subdivision shall be a minimum of fifty (50) feet in width. No subdivision will be approved where the width of the existing right-of-way is less than fifty (50) feet unless the subdivider is able to secure such additional rights-of-way as may be required to achieve this width.
- F. Minimum lot sizes shall be as specified in the, Damascus Township Zoning Ordinance for the district(s) where the property being subdivided is located.
- G. Markers shall be set at the corner of each lot, consistent with surveyors' professional practice, to permanently and accurately define the metes and bounds of the block and lots created.

**304 Common Open Space in Standard Subdivisions**

In residential subdivisions and land developments not less than ten (10) percent of the gross area of the entire tract, exclusive of lakes or ponds, shall be reserved for common open space and the recreational use of the residents of that subdivision or the general community, except where such area would be less than one (1) acre. This requirement may be waived in instances where the average lot size is three (3) acres or more or less than twenty-five (25) lots are involved. The following and similar facilities shall meet this requirement: swimming pools, tennis courts, riding and cycling paths, playgrounds, community centers, and other open areas. Such areas designated for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use. Sites so dedicated shall not be deemed to be accepted by the Township unless and until the Township has taken formal action with regard to the same. The developer and the Township may also agree to otherwise provide recreational land for the use of residents pursuant to the authority of the Municipalities Planning Code including fees in lieu of dedication.

**305 Water Supply**

- A. Where a public water supply is available within 1000 feet of the proposed project, the subdivider shall construct a system of water mains, tied to such system and provide a connection for each lot. Regardless of this requirement, all subdivisions and land developments shall be served with an adequate water supply.
- B. Plans and specifications for off-site water systems (i.e. extension of an existing system or a proposed new facility) shall be prepared by a qualified Professional and shall conform to accepted engineering practices. The system shall be designed to furnish adequate main sizes and where necessary, fire hydrants located to meet the specifications of the Association of Fire Underwriters and the applicable fire companies providing service to that area. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system.
- C. The applicant must demonstrate ability to provide a minimum of 75 gallons of water per capita per day (GPCD) and/or 400 gallons per day (GPD) for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall meet standards established by the American Water Works Association or insurance industry underwriting standards.
- D. New off-site water supply wells shall be sited, drilled, and tested under the direct supervision of a Registered Professional Engineer or a professional groundwater geologist. Wells shall be so located that no potential pollution sources can exist within a 100 foot radius. The well shall also be located on a reserved parcel.

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**306 Sewage Disposal**

**306.1 General Requirements**

- A. All residential lots shall contain suitable areas for on-lot sewage disposal systems or be served by an approved off-site sewage disposal system. Plans and specifications, including a Planning Module for Land Development complete with all appropriate components as required by the Pennsylvania Department of Environmental Protection (to revise or supplement the Township Official Plan), shall be submitted with all subdivision or land development plans. Following plan approval, the Township will submit copies of the module and necessary documentation to the Commonwealth for review. Commonwealth approval of the module and the Township's revision or supplement to its Official Plan shall be required prior to final approval.
- B. Off-site sewage disposal systems are also required for all residential lots and non-residential developments where the Township SEO (Sewage Enforcement Officer) or the Pennsylvania Department of Environmental Protection determine that on-site soil conditions are unsuitable for on-lot subsurface sewage disposal systems.
- C. Design standards, materials and specifications shall meet Pennsylvania Department of Environmental Protection requirements.

**306.2 Off-Site Systems**

When a public sewage disposal system is located within 1000 feet of the proposed land development, the subdivider shall provide a system of collection lines to connect to said system.

Sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Protection standards and Township standards and shall not be used to carry storm water.

**306.3 On-Site Systems**

- A. Where connection to neither an off-site water system nor an off-site sewage system is required, on-site systems shall be provided in accordance with criteria set forth by the Pennsylvania Department of Environmental Protection. The Township Sewage Enforcement Officer's site and soils evaluation by the test pit method and favorable report is required prior to preliminary plan approval. The Sewage Enforcement Officer shall determine, for purposes of Preliminary Plan approval, the number and location of test pits and soil percolation tests necessary to determine the general suitability of soils throughout the subdivision or land development for on-lot subsurface sewage disposal. However, for Final Plan approval, test pits will be required on all lots, intended for building purposes, which lack an existing sewage disposal system.
- B. All on-site sewage disposal system elements shall be subject, to the isolation requirements provided in State regulations.

**306.4 Financial Guarantees**

- A. Prior to installing any community sewage disposal system in any subdivision or land development approved under this Ordinance the Township Board of Supervisors shall be satisfied that said system shall be properly installed, guaranteed and maintained for such period of time as necessary to determine that installation has been accomplished in the proper manner. A maintenance bond shall also be required, and approved by the Township Board of Supervisors prior to Final Approval.
- B. Performance guarantees, when required because the developer is not installing improvements



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until after Final Approval, shall meet the requirements of Section 205 of this Ordinance.

- C. A maintenance bond or other suitable security (including but not limited to the possible use of escrow arrangements or withholding of a portion of the construction guarantee) shall accompany a Final Plan application for a community sewage disposal system. Said maintenance bond shall be in a form approved by the Board of Supervisors, payable to the Township, to guarantee maintenance, operation and repair of the system for eighteen (18) months after completion of construction. In instances where the system use will not reach full capacity within a period of one year, however, the Township may require that such guarantee run until a period of eighteen (18) months shall have elapsed from the time full capacity is reached.
- D. The amount of said maintenance bond or security shall be determined by the Board of Supervisors but shall generally not exceed 15% of the Township Engineer's estimated cost of the system. After the expiration of three years from the date of construction completion, the Township shall release said maintenance bond or security, provided the system has been properly maintained and operated during the said three year period.
- E. In the event the system has not been so maintained and operated, the Board of Supervisors shall have the right to declare a forfeiture of a portion or all of the said maintenance bond or security, depending on the extent of the lack of maintenance and proper operation and to use the proceeds for such maintenance and corrective measures as shall be demanded. Where a community system is to be dedicated to a property owners association (POA), however, the Township Board of Supervisors shall be satisfied that the POA has agreed to accept such dedication and possesses the administrative and financial ability to operate and maintain such system before any guarantee is released and rules and guidelines pertaining to such evaluations may be adopted by resolution.
- F. Where the scope of work and circumstances warrant, the Township may appoint an inspector of professional qualifications to monitor the work in progress, the costs of which inspector shall be borne by the applicant.

**307     Erosion and Sedimentation**

In the event any developer shall intend to make land changes by grading, filling, excavating or the removal or destruction of the natural topsoil or vegetative covering thereon in accordance with a subdivision or land development plan submitted to the Township, the same shall only be approved and accomplished after the developer has submitted to the Township an Erosion and Sedimentation Plan and otherwise complied with Commonwealth regulations regarding such plans. Measures in the plan shall meet with the approval of the Wayne Conservation District.

**308     Storm Drainage**

- A. A storm water drainage plan may be required for major subdivisions or land developments, and will be required in all cases where road construction is involved. Such a plan, along with Section 307 above, shall comply with Chapter 102 of Pennsylvania DEP Regulations. Such a plan shall also be prepared in consultation with the Wayne Conservation District and the Natural Resources Conservation Service, which shall suggest methods and appropriate measures for meeting the intent of the Pennsylvania Stormwater Management Law. This plan should also be compatible with any of the watershed ordinances currently effecting the Township at the time.
- B. Stormwater drainage facilities shall be designed to accommodate storms of a 10 year frequency unless a more stringent standard shall be required by the Township. The general performance standard shall be that the amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. In instances where stormwater facilities are impractical for engineering reasons

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the Township may modify this standard as it applies to a particular project but shall provide for the maximum and practical reduction in flow which can be achieved under the circumstances. The developer shall provide full information regarding the pre-development stormwater flows and estimates at the time of application.

C. The following additional requirements shall apply:

- 1) Lots shall be laid out and graded to prevent cross-lot drainage away from proposed building areas. Natural drainage courses shall be maintained.
- 2) The existing points of natural drainage discharge onto adjacent property shall not be altered, nor shall the rate of water runoff be increased because of development, without the written approval of all affected land owners.
- 3) No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions. Stormwater calculations and design shall be prepared by a Professional Engineer, Land Surveyor, Landscape Architect or others certified to perform such work.
- 4) Storm drainage facilities should be designed to handle the anticipated peak discharge from the property being subdivided.
- 5) Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of at least 25 feet to each side of the stream from that stream bank, or such additional width as will be adequate to preserve the unimpeded flow of natural drainage.
- 6) Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Township prior to final plan approval.
- 7) All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be 1/4" per foot away from the center line.
- 8) All proposed surface drainage structures shall be indicated on the preliminary plan.
- 9) Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.
- 10) Whenever storm drains are required by the Township, such storm sewer systems shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Township Supervisors determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- 11) Drainage systems shall be designed in accordance with such design standards as may be promulgated by the Pennsylvania Department of Environmental Protection or the Pennsylvania Department of Transportation, using hydraulic computations to show effects of the flow of water. The general standard shall be that the amount of stormwater leaving the site along any property line after development shall not exceed pre-development stormwater flows for that area. In no case shall any pipe system of less than 15" in diameter be used underneath a street or driveway unless otherwise directed by the Supervisors. All dams, lakes, ponds or stream encroachments shall be designed in accordance with the design standards of DEP.
- 12) 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

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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, improving or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the Pennsylvania Department of Environmental Protection, Water and Power Resources Board, Division of Dams and Encroachments.

- 13) All drainage systems and structures shall be subject to the approval of the Township Engineer, Township Supervisors or any such other qualified person as may be appointed for this purpose by the Township Supervisors.

**309 Street Requirements**

**309.1 General**

The arrangement, character, extent, width, grade and location of all streets shall conform to the provisions found herein. Every subdivision shall have access to a public right-of-way.

**309.2 Design and Arrangement**

- A. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged.
- B. Where a subdivision abuts or contains an existing or proposed arterial street, marginal access streets may be required, in order to protect residential areas from heavy traffic and also to provide separation between local and through traffic.
- C. Streets shall be logically related to the topography so as to produce useable lots and reasonable grades as required by this and other Township Ordinances .
- D. New half or partial streets will not be permitted. Wherever a tract to be subdivided borders an existing half or partial street, the remaining portion of the street shall be platted within such tract.
- E. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
- F. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the extension of streets.
- G. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with care for safety, and suitable curbs, barriers, signs and other devices as may be required. Streets entering opposite sides of another street shall be laid out directly opposite one another or offset a minimum of two hundred feet (200').
- H. Street and driveway intersections with arterial streets shall not be so numerous, nor so close to each other, as to impede the flow of traffic.
- I. Clear sight triangles shall be provided at all street intersections. Within such triangles, no structure or vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty-six (36) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the centerlines.

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- J. Whenever, in connection with a major subdivision, the principal access (whether public or private) to such subdivision, by virtue of bridge weight limits of less than twenty (20) tons or other comparable limitations, would restrict access to the property by emergency vehicles or school buses, the subdivider shall so indicate in writing on the final plats to be recorded and shall provide for notification to prospective lot buyers through deed covenant provisions which shall be approved by the Township Board of Supervisors as to form.

**309.3 Alleys**

Alleys may be permitted in residential areas under special circumstances, but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial and industrial lots, if no other provisions are made for adequate service access or for parking.

**309.4 Street Grades**

- A. Profiles: No street grade shall be less than 1/2 percent or exceed the following, with due allowances for reasonable vertical curves:

Major Traffic Streets	6% (up to 8% for 250 ft)
Collector Streets	8% (up to 10% for 250 ft)
Minor Streets	12% (up to 16% for 250 ft)

- B. Streets shall have a grade not to exceed three (3) percent for a distance within twenty- five (25) feet of the street right-of-way line of any intersecting street.
- C. Cross Section: The gradients of streets shall be not less than 0.5% without curbs and gutters, and 0.3% with curbs and gutters. On streets where curbs, gutters, and sidewalks are not required, there shall be a berm, as provided in the Township Road Ordinance.
- D. Minimum vertical and horizontal visibility (measured 4-1/2 feet eye level to tail lights 18" above ground level), for curves.

Major Highways	500 feet
Collector streets	300 feet
Minor Street	200 feet
Streets shorter than 500 feet	100 feet

**309.5 Street and Alley Width**

- A. The width of all major thoroughfares shall conform to the width designated on the municipality's official map or major thoroughfare plan.
- B. The minimum right-of-way widths for streets and alleys are as follows:

Major Streets	60 feet
Collector Streets	50 feet
Minor Streets	50 feet
Alleys	20 feet
Crosswalks	10 feet

Where the proposed subdivision fronts on an existing public right-of-way of less than the required width as specified above, the subdivider shall provide an additional right-of-way as may be required to conform with these standards. Where the proposed subdivision fronts on only one side of such a road, the entire additional width required shall be provided on that side.

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**309.6 Dead-end Streets**

On all dead-end roads a turn about area with a one hundred (100) foot diameter right-of-way and eighty (80) foot diameter traveled portion shall be provided.

**309.7 Grading**

The entire width of the travel way of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving, drainage structures, curbs and gutters, in accordance with the appropriate standards for the class of street. The subgrade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The sub grade construction shall conform to minimum standards of the Township Road Ordinance.

**309.8 Pavement**

The width of pavement required shall vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are minimum street pavement widths:

Type of Street	Minimum Shoulder Width	Minimum Clearance Beyond Shoulder	Minimum Pavement Width
Major Streets	10 feet	10 feet	24 ft (2 lanes)
Collector Streets	10 feet	8 feet	20 feet
Minor Streets	4 feet	4 feet	18 feet
Alleys	4 feet	4 feet	10 feet

The pavement shall be constructed in accordance with specifications and standards contained in the Township Road Ordinance.

**309.9 Berms and Embankments**

Street shoulders shall be constructed with materials as specified by the Township Road Ordinance. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and must be level with the top of the road paving, or as directed by the Township Engineer. Embankments at the sides of streets and cross- sections of drainage ditches shall not exceed a maximum slope of two (2) feet horizontally to one (1) foot vertically in a cut or fill section. In special cases, the Township Engineer may require more rigid standards.

**309.10 Curbs and Gutters**

- A. In commercial developments or where other similar intensive uses exist or are anticipated, curbs shall ordinarily be required, if such construction is deemed necessary for public safety.
- B. Minimum curb or pavement edge radii at street intersections shall be thirty (30) feet.
- C. Where curbs exist on abutting properties, their extension will ordinarily be required throughout the proposed subdivision.
- D. Curbs shall not be constructed where pavements are less than 22 feet in width. Where curbs are not required, adequate gutters shall be graded and protected by seeding, or appropriate surfacing.
- E. Curbs may be of the wall type or may be combined with gutters built of concrete. Curbs, combined curbs and gutters, and graded gutters shall be constructed in accordance with any

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applicable specifications and standards which may be contained in the Township Road Ordinance.

**309.11 Walls, Slopes and Traffic Guards**

Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Township, and shall be sufficient to support the street or the adjacent land, as the case may be.

Where the grade of the street is three (3) feet or more above the grade of the adjacent land, guards shall be built to protect travel, if required by the Township Engineer.

**309.12 Street Improvements (Generally)**

All streets, including Cul-de-sacs and alleys, shall be constructed as shown on the Preliminary Plan approved by the Supervisors and in conformity with the Township Road Ordinance. Where such Ordinance does not provide a clear standard, the Township may rely upon the standards promulgated by the Pennsylvania Department of Transportation for local streets.

**309.13 Street Name Signs**

Four-way street name signs of a design approved by the Board of Supervisors will be installed at each street intersection by the subdivider at his own expense. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the name of existing streets. Street names shall not be repeated within the Township and shall be subject to Township approval. The construction and installation of such signs shall meet the specifications in Penn DOT Pub. 408 for a "Type A" post mounted sign.

**309.14 Street Lighting**

- A. Street lighting is the responsibility of the applicant to provide, and the lot owners to maintain and operate. The Township Engineer will determine when and if street lighting is necessary, evaluating need on the basis of safety considerations and commonly accepted standards of lighting.
- B. Whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation, upon consultation with the public service utility company involved.

**309.15 Requirement for Road Occupancy and Other Permits**

- A. No driveway, street or drainage facility or structure shall be constructed or altered within a state right-of-way, and no drainage facility of the Pennsylvania Department of Transportation shall be altered or connected onto without first obtaining a permit from Penn DOT.
- B. No alteration of township roads or drainage facilities shall be allowed without first contacting the township supervisors of such an intent.

**309.16 Private Drives**

- A. Individual driveways serving only one single-family dwelling each shall not be subject to street improvement requirements of this Ordinance or contained in the Township Road Ordinance.
- B. Also, private drives to service no more than two single-family dwellings shall be permitted provided the Township is given satisfactory evidence, in the form of declaration of restrictive covenants, that the private status of said road is permanent and the following standards are met:

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Minimum Right-of-Way	25 feet
Minimum Pavement Width	12 feet
Minimum Shoulder Width	3 feet

- C. Pavement may consist of any all-weather surface satisfactory to the Township Engineer. If there is a potential for re-subdivision of either of the lots to be serviced by private drive such that eventually more than two lots might result, the subdivider shall provide additional right-of-way as necessary to serve the maximum potential number of lots. All drainage plans shall be subject to approval of the Township Engineer.
- D. Private drives are not excluded from obtaining a highway occupancy permit.

**310     Parking Requirements**

Every type of residential land development or subdivision (except as hereinafter provided) shall provide off-street space for at least two vehicles for each proposed dwelling unit. Such off-street parking spaces may be in an individual garage, carport, or driveway, or in a common area for convenience of two or more dwelling units. Non-residential developments shall provide adequate parking areas and sufficient space for unloading and loading.

**311     Commercial and Industrial Subdivisions**

**311.1    Application**

All commercial and industrial subdivisions shall comply with the requirements of the sections below.

**311.2    Street Systems**

Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should they create hazards for adjacent residential areas. The design of streets, service drives, and pedestrian ways, should provide for safe and hazard-free internal circulation, including provision for fire lanes where appropriate. The points of ingress shall be designed so as not to require commercial or industrial traffic to pass through residential areas, insofar as possible.

**311.3    Block Layout**

Block layout shall conform with due consideration of site conditions, with best possible service to customers, traffic and parking circulation, and pick-up and delivery services. In no instance shall a block length be less than 600 feet. Where safety considerations mandate, 800 feet may be required as a minimum.

**311.4    Size**

- A. Lot sizes shall be based on the following factors:
- B. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities.
- C. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved.

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**312 Multi-family Residential Subdivisions**

**312.1 Procedure**

Multi-family dwelling projects shall be considered major subdivision and land developments. This "major subdivision" classification shall apply to all subdivisions of property in connection with the development, regard less of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Township in the manner provided under Section 202 of these Regulations. All multi-family dwelling projects shall also comply to the regulations pertaining to such, under Section 406 of the Damascus Township Zoning Ordinance. The subdivider shall also submit all information required by Section 204 of these Regulations.

**312.2 Water and Sewage**

All multi-family developments shall be served with off-site sewage facilities and water supplies. Developers proposing the use of either community sub-surface sewage disposal or treatment involving a stream discharge shall have first investigated and determined that land application of effluent is not feasible.

**312.3 Maintenance of Common Facilities**

- A. Maintenance of a multi-family project shall be vested in (1) an association or other legal entity organized prior to the offering of the first unit for occupancy, or (2) a manager, who may be the developer, or a person designated by the developer before the developer offers a unit for occupancy, or (3) the owners or occupants of units themselves if the total number of owners or occupants within the development is not more than five (5). If the developer shall opt to manage the project or designate a manager, the preliminary application shall include financial statements, a description of previous management experience and other data sufficient for the Township to ascertain the financial responsibility of the manager.
- B. The association or manager, as the case may be, shall be responsible for maintenance, repair and replacement of the common areas of the development including buildings and, if applicable, the furniture, fixtures and equipment within the units. The project instruments shall specify the expenses which the maintenance organization may incur and collect from purchasers as a maintenance fee and secure maintenance of the project as well as enforcement of applicable covenants and restrictions in perpetuity. The Township may require that a Certified Public Accountant review such financial data for purposes of determining that proposed fees are, in fact, adequate to secure maintenance on a continuing basis.
- C. The developer shall, in filing a Preliminary Plan, provide a narrative description of how responsibility for maintenance and care of the units and common areas will be assured and a provide an operating budget for the maintenance organization including a breakdown of the common expense to be borne by the maintenance organization and a separation of long-term maintenance costs from on-going routine maintenance costs. There shall also be provided a narrative description of how the developer proposes to assure maintenance and care of the units and common facilities during any sales program, based on which the Township may require additional temporary facilities to accommodate service demands. Copies of all applicable instruments shall be provided, for purposes of determining that long-term arrangements for maintenance of common facilities have, in fact, been made by the developer and/or with the occupants.
- D. Any developer who proposes to construct multi-family dwellings for transient use under the terms of this ordinance and who proposes to convey the common elements of said multi-family dwelling project to an association of purchasers of units therein, shall submit a



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maintenance bond or other performance guarantee acceptable to the Township Solicitor ensuring long-term maintenance and repair of said common elements. Such maintenance bond or other guarantee shall:

- E. Be for a period of not less than fifteen (15) years from the date of the final approval of said multi-family dwelling-transient use by the Township.
- F. Be in an amount equal to the amount collected or to be collected for long-term maintenance (as indicated in the budget referenced above) by the developer or other responsible parties from each purchaser during the first year after sales until such purchases begin, multiplied by the total number of expected purchasers.
- G. If the development shall be subject to the Pennsylvania Uniform Condominium Act or other applicable Commonwealth statutes governing the sale of real property used for multi-family occupancy, the developer shall certify as to his or her compliance with said statutes. To the extent the provisions of such statutes conflict with this sub-section such certification shall suffice as to conformance with these requirements. If a developer is not subject to the Pennsylvania Uniform Condominium Act he or she shall present an Attorney's opinion to this effect.

**313 Cluster Development**

**313.1 Authority and Procedures**

Developments which provide for single-family dwelling units wherein dwelling units are grouped in sections in order to maximize the amount of common open space and to preserve the natural settings, shall be designated as cluster developments. Such proposed developments shall be processed in the same manner as a major subdivision in accordance with the standards contained herein.

**313.2 Minimum Size**

Cluster developments shall include at least ten (10) dwelling units and 10 acres of land.

**313.3 Permitted Number of Units**

The total tract area less:

- A. all areas within the rights-of-way of any existing or proposed streets; and
- B. all areas occupied by public utility easements

shall be divided by the minimum lot size applicable and rounded to the nearest whole number to yield the maximum dwelling units permitted.

**313.4 Types of Dwelling Units Permitted**

Only single-family detached and two family dwellings shall be clustered. All other dwelling types shall be considered multiple dwellings and be subject to the standards of Section 311 of this Ordinance.

**313.5 Development Standards**

Development standards for lot size; lot width and lot depth may be reduced, provided no dwelling structure (single-family or two-family) is located on less than 60,000 square feet of land where on-site sewer and water facilities are to be provided or 44,000 square feet of land where off-site sewer or water facilities or 32,000 square feet of land where off-site sewer and water facilities are

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to be provided; and further provided the total density (in Individual dwelling units) for the tract shall not exceed the requirements of Section 313.3 above.

**313.6 Open Space Standards**

No individual parcel of common open space shall be less than one (1) acre except as to roadway median strips, traffic islands, walkways, courtyards, play areas, recreation facilities, drainageways leading directly to streams, historic sites or unique natural features requiring common ownership protection. At least 50% of the common open space shall be useable for active recreational activities and not include wetlands, floodplain or slopes over 25% in grade.

**313.7 Maintenance of Open Space**

The open space resulting from clustering of dwelling units shall be titled to a property owner's association (POA) prior to the sale of any lots or dwelling units by the developer. Membership shall be mandatory for each property owner within the development and successive owners with voting of one vote per lot or unit and the developer control, therefore, passing to the individual lot/unit owners on sale of the majority of the lots or units. All restrictions on the ownership, use and maintenance of common space shall be permanent and the POA shall be responsible for liability insurance, local taxes, and maintenance of all open space, recreational facilities and other commonly held amenities. Each property owner must be required to pay their proportionate share of the POA's cost and the POA must be able to file liens on the lot/unit owner's property if levied assessments are not paid. The POA must also have the ability to adjust the assessment to meet changing needs.

**314 Resource Conservation Standards For Site Preparation and Cleanup**

(Note: This section applies only in cases where earth disturbance is involved as part of a land development or a major subdivision as defined by this Ordinance. A minor subdivision often results in the eventual construction of a house, but the issuance of a building permit would not occur until after the subdivision has been approved and recorded. The construction of one dwelling on one lot is not subject to regulation by this Ordinance.)

**314.1 Protection of Vegetation from Mechanical Injury**

Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, old fields or other significant vegetation or site features, the limit of disturbance required to complete the project shall be delineated on the plan and vegetation shall be protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.

**314.2 Protection of Vegetation from Grading Change**

Grade changes to occur at any location of the property shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained following site disturbance, unless adequate provisions are made to protect such vegetation and its root systems.

**314.3 Protection of Vegetation from Excavations**

When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be minimized. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

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**314.4 Protection of Topsoil**

- A. No topsoil shall be permanently removed from the site except as approved on the preliminary plan.
- B. Prior to grading operations or excavation, topsoil in the area to be disturbed shall be removed and stored on site.
- C. Topsoil removed shall be redistributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes of less than ten percent, and by sodding, hydroseeding, or rip-rap on slopes exceeding ten percent.
- D. Grading and earthmoving operations shall be scheduled to minimize site disturbance during the period from November 1 to April 1, when re-vegetation of exposed ground is difficult.

**315 Open Land and Recreation Land -- Ownership and Maintenance**

This Section 315 shall apply to any development which involves the ownership and maintenance of open land or recreation land held in common or owned and maintained through other arrangements approved by the Township (referred to as "common open space") as required by this Ordinance.

**315.1 Purpose**

The requirements of this Section 315 are intended to assure in perpetuity the ownership, use and maintenance of common open space. The general principle shall be to assign ownership and maintenance responsibility to that entity which is best suited for the same and which will allocate any associated costs to the individuals which directly benefit from the use of the common open space.

**315.2 Plan and Legal Documents**

The developer shall submit a plan and proposed legal documents for the purpose of dedicating, in perpetuity, the use, ownership and maintenance of the approved common open space. The Plan shall be approved by the Board of Supervisors with the recommendation of the Township Solicitor. The provisions of the approved Plan shall be incorporated into a development agreement with the Township, deed covenants and restrictions, or other legal document which will effect the Plan and which can be enforced by the Township.

- A. The Plan shall define ownership.
- B. The Plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e. lawns, playing fields, meadow, pasture, crop land, woodlands, etc.).
- C. The Plan shall estimate staffing needs, insurance requirements, and associated costs, and define the means for funding the maintenance of the open space and operation of any common facilities on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs.
- D. The Township shall require the applicant to permanently escrow sufficient funds for the maintenance and operation costs of common facilities for up to eighteen (18) months.
- E. Any changes to the maintenance plan shall be approved by the Township.

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**315.3 Use Restriction**

The use of any common open space shall be limited to those uses which are specifically permitted or required by the applicable sections of this Ordinance.

**315.4 Development Plan Designations**

The subdivision/land development plan which will be recorded following final approval of the development shall clearly show all common open space and specifically note the use, ownership and maintenance responsibility of the same. Reference to the legal document(s) governing the use, ownership and maintenance of common open space shall be noted on the plan. The plan shall also contain the following statement: Open land, recreation land, common facilities and development improvements shall not be sold separately or be further subdivided or developed, nor shall such land be used for density for any other development.

**315.5 Methods for Use Dedication and Common Open Space Ownership and Maintenance**

The use of common open space and common open space ownership and maintenance shall be addressed by one or a combination of the methods which follow. In any case, the developer shall document to the satisfaction of the Board of Supervisors that the chosen method(s) will preserve the common open space use rights established in accord with this Article and provide for the perpetual ownership and maintenance of all open land, and recreation land. All methods shall establish a mechanism for the Township to effect the use dedication and require operation and maintenance of common open space, should the means established by the developer fail to provide the same. All methods for use dedication and common open space ownership and maintenance, and any combination of methods, and any change in method which may be proposed by the ownership and maintenance entity, shall be subject to the approval of the Board of Supervisors. Operation and maintenance provisions shall include, but not be limited to, capital budgeting for repair and/or replacement of development improvements and common facilities, working capital, operating expenses, casualty and liability insurance, and contingencies.

- A. Property Owners Association or Condominium Agreements - All common open space may be owned and maintained by a property owners association (POA) or condominium agreements (CA) including all lot and/or condominium owners in the development provided:
  - 1) The POA/CA is established by the developer as a non-profit corporation for the express purpose of ownership and maintenance of the common open space, or as otherwise may be required by state statute.
  - 2) Participation in the POA/CA is mandatory for all lot owners.
  - 3) Provision is made for the maintenance of common open space during the lot sale period and the orderly transition of responsibility from the developer to the POA.
  - 4) The POA/CA is empowered to assess POA/CA members to fund the administration of the POA/CA and other costs associated with the common open space responsibilities.
- B. Transfer to a Private Conservation Organization - In the case of open land and recreation land, the landowner may transfer fee simple title to the said areas, or parts thereof, to a community-based conservation organization among whose purposes is the conservation of open land and/or natural resources; provided that:
  - 1) The deed contains the necessary covenants and restrictions in favor of the Township to effect the use dedication and common open space ownership and maintenance standards of this Article and this Ordinance.
  - 2) The organization proposed is a bona fide, operating and stable conservation organization with a perpetual existence, as approved by the Board of Supervisors.

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- 3) The conveyance of title contains the necessary provisions for proper retransfer or reversion should the organization be unable to continue to execute the provisions of title.
  - 4) A maintenance agreement between the developer, organization and Township is executed to the satisfaction of the Board of Supervisors.
- C. Deed Restricted (Non-Common) Private Ownership - Deed restrictions on privately held lands may be used to preserve open land provided such restrictions include a conservation easement in favor of the Township, with provisions for reversion to the Township, POA or trustee holding the remainder of the common open space. Up to 80 percent of the required greenway land may be included within one or more large conservancy lots of at least 10 acres provided the open space is permanently restricted from future development through a conservation easement, except for those uses permitted for greenway land by the Township Zoning Ordinance, and that the Township is given the ability to enforce these restrictions. Title to such restricted lands may be transferred to other parties for use as restricted by the deed.
- D. Deed or Deeds of Trust - The landowner may provide, as approved by the Board of Supervisors, for the use, ownership and maintenance of common open space by establishing a trust for the same via a deed or deeds. The trustee shall be empowered to levy and collect assessments from the property owners for the operation and maintenance of the development.
- E. Conservation Easements Held by the Township - In the case of open lands and recreation lands, the Township may, but shall not be required to, accept title to conservation easements on any such lands. In such cases, the land remains in the ownership of an individual, POA or condominium, while the development rights are held by the Township. The lands may be used in accord with the requirements of this Ordinance and title to such lands may be transferred to other parties for use as restricted by the conservation easement.
- F. Fee Simple and/or Easement Dedication to the Township - In the case of open lands or recreation lands, the Township may, but shall not be required to, accept in fee, the title to any such lands, or any interests (such as development rights or conservation easements) therein, for public use and maintenance, provided:
- 1) There is no consideration paid by the Township.
  - 2) Such land is freely accessible to the public.
  - 3) The Township agrees to and has access to maintain such lands.
- G. Failure to Preserve Dedication of Use and Operation and Maintenance of Common Open Space - Should the method established for the dedication of use and operation and maintenance of common open space fail to do so in reasonable order and condition in accord with the approved development plan, the Board of Supervisors shall have the right and authority to take all necessary legal action to effect such use dedication, operation and maintenance. The action of the Board of Supervisors shall be in accord with the following:
- 1) Notice - The Board of Supervisors shall serve written notice on assigned entity or the property owners in the development setting forth the details of the failure of the entity with regard to use dedication and operation and maintenance of common open space
  - 2) Correction of Deficiencies - The notice shall include a demand that the deficiencies be corrected in a reasonable period of time which shall be stated in the notice.
  - 3) Public Hearing - A public hearing shall be conducted subsequent to the notice and shall be advertised in accord with the definition of "public notice" contained in this Ordinance. At such hearing, the Board of Supervisors may modify the terms of the original notice as to the deficiencies and may extend the time for correction of the deficiencies.

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- 4) Failure to Correct - In the event the deficiencies in the notice, as may have been modified at the public hearing, are not corrected in accord with the established time period, the Board of Supervisors may enter upon the common open space and maintain the same and/or correct the deficiencies. The Board of Supervisors shall continue such action for such time as may be necessary to correct the deficiencies. Said action shall not constitute a taking or dedication of any common open space, nor vest in the public the right to use any common open space.
- 5) Reinstatement of Responsibility - The responsibility of operation and maintenance shall not be reinstated to the assigned entity until such time as the entity has demonstrated to the Board of Supervisors that the proper steps have been effected to modify the terms of use dedication, operation and/or maintenance; and/or to reorganize or replace the responsible entity so that use dedication and operation and maintenance established by the approved development plan will be assured.
- 6) Appeal - Any party to the action of the Board of Supervisors may appeal such action to court as provided for in the Pennsylvania Municipalities Planning Code, as amended.
- 7) Public Costs - The costs of the preservation of use dedication and the cost of maintenance and operation of any open land conducted by the Township in accord with this Article, and including any administrative and legal costs, shall be assessed ratably against the properties in the subject development which have a right of enjoyment and/or use of the common open space. The assessment shall be made a lien on the properties, and the Board of Supervisors shall, at the time of the notice in Sub-section G.1 above, shall file the required notice of lien against the properties.

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**ARTICLE IV - MOBILE HOME PARKS**

**401 Design Standards and Other Requirements**

**401.1 Minimum Park Area**

A mobile home park shall have a gross area of at least five (5) contiguous acres of land under unified control.

**401.2 Site Location**

Mobile home parks shall not be located in any area subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare; nor shall they be located on any soils classified by the National Resource Conservation Service as having a seasonal high water table within twenty-four (24) inches of the surface or any slope of 15% or greater.

**401.3 Site Drainage Requirement**

The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner. All stormwater facilities shall be designed as required in Section 308 of this Ordinance. Stormwater management plans for achieving this objective shall be approved by the Township Engineer.

**401.4 Soil and Ground Cover Requirements**

All exposed ground surfaces shall be protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. The owner shall, no later than 90 days during growing season, insure that the above requirements have been satisfied.

**401.5 Park Areas for Non-Residential Uses**

- A. Mobile home parks shall be restricted to residential uses, except those uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.
- B. Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.
- C. In all parks designed to accommodate ten (10) or more mobile homes, there shall be one or more recreation areas that are easily accessible to all park residents. The size of such recreation areas shall not be less than 10% of the total area of the mobile home park. Recreation areas shall be located so as to be free of traffic hazards, and should, where the topography permits, be centrally located.

**401.6 Required Setbacks, Buffer Strips and Screening**

- A. All mobile homes shall be located at least sixty (60) feet from the right-of-way line of any public street or highway, and at least thirty-five (35) feet from any other park property boundary lines.
- B. There shall be a minimum distance of thirty-five (35) feet between an individual mobile home and the adjoining pavement of a park street, common parking area or other common areas and structures.
- C. All mobile home parks shall provide and maintain a vegetative screening strip of planted or natural growth, along all property boundary lines. Such screening shall be at a depth of not

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less than twenty (20) feet, to effectively screen the area within a reasonable (5 -10) years) time period. A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Board of Supervisors.

- D. Accessory structures, including tool sheds, trash receptacles, patios, porches, garages and bike racks, may be erected within required setback and buffer areas, provided that a fire lane of at least sixteen (16) feet in width is maintained, clear of all obstacles, on each side of each mobile home. No structures of any kind may be erected within ten (10) feet of the mobile home lot line.

**401.7 Erection and Placement of Mobile Homes**

- A. Mobile homes shall be separated from each other, and from other buildings and structures by at least thirty (30) feet.
- B. An aesthetically pleasing enclosure shall be erected around the entire base of each mobile home.
- C. Enclosures shall be placed within six (6) months of occupancy of the mobile home.

**401.8 Park Street System**

- A. A safe and convenient vehicular access shall be provided from abutting public streets or roads.
- B. The entrance road connecting the park with a public street or highway shall have a width of no less than twenty-five (25) feet and a right-of-way of no less than fifty (50) feet, and no parking shall be allowed on either side of the street. All mobile home lots shall be served by the entrance road or internal streets connected hereto, and none shall be served directly from the public street or highway.
- C. Roadways shall be constructed of an all-weather surface and be of adequate width to accommodate anticipated traffic. The minimum surface width shall be eighteen (18) feet. Dead-end (cul-de-sac) streets shall be provided with a turn-around having an outside diameter of no less than eighty (80) feet and shall not exceed 1200 feet in length. All streets shall have a right-of-way of no less than fifty (50) feet. Rumble strips or other similar warnings may be required at intersections.
- D. All park streets shall adhere to the Pennsylvania Department of Transportation "Guidelines for Design of Local Roads and Streets". For purposes of evaluation under these guidelines, park streets shall be considered local access urban highways.
- E. There shall generally be at least two points of ingress and/or egress in each mobile home park but no more than two accesses to a mobile home park from any one public right-of-way (emergency accesses excepted) and all driveways to individual units along a public right-of-way shall front on an interior access drive. Accesses shall be separated by at least 150 feet where they intersect with a public street.
- F. All parks shall be furnished with lighting units so spaced, and equipped with luminaries placed at such mounting heights, as will provide average levels of illumination for safe movement of pedestrians and vehicles at night.
- G. Approved applications to Damascus Township and/or the Pennsylvania Department of Transportation for street encroachment or highway occupancy permit are required as part of the final plan application.



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**401.9 Walks**

- A. General Requirements - All parks containing twenty- five (25) or more mobile homes shall be provided with safe, convenient , all-weather surfaced pedestrian walkways between individual mobile homes, the park streets, and all community facilities provided for park residents.
- B. Common walk System - A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half feet.
- C. Individual Walks - All mobile home stands shall be connected to common walks, to streets, or to driveways or parking spaces connecting to a street. Such individual walks shall have a minimum width of two feet.

**401.10 Mobile Home Site**

- A. The area of the mobile home site shall be improved to provide a permanent foundation for the placement and tiedown of the mobile home, thereby securing the structure against uplift, sliding, rotation and overturning. Mobile homes shall not be considered placed on a permanent foundation unless wheels have been removed and the home is resting on concrete piers to the frost level, a foundation of poured concrete, block construction or a concrete slab.
- B. The mobile home site shall not heave, shift or settle unevenly under the weight of the mobile home, due to frost action, inadequate drainage, vibration or other forces acting on the superstructure.
- C. The mobile home site shall be provided with anchors and tiedowns, such as cast- in-place concrete "deadmen", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
- D. Anchors and tiedowns shall be placed at least at each corner of the mobile home site, and each shall be able to sustain a minimum tensile strength of 2,800 pounds.

**401.11 Construction of Mobile Home Lots**

- A. Mobile home lots shall have an off-site water supply and off-site sewage treatment system and shall have a minimum lot area of 5,000 square feet and shall not be less than 50 feet wide at the setback line. Density within the park as a whole shall not exceed four (4) mobile homes per acre.
- B. All square feet areas and density calculations shall be measured or taken exclusive of any rights-of-way. For the purpose of administration, public rights- of-way mean all easements or other rights-of-way that are open for free and easy use by other lot occupants and/or the general public. Recreation areas and lands unusable for mobile homes according to Section 401.2 shall also be excluded.

**401.12 Water Supply**

An adequate off-site supply of water shall be provided for mobile homes, service buildings, and other accessory facilities, as required by this Ordinance. The water supply shall be capable of supplying a minimum of 75 gallons of water per capita per day (GPCD) and/or 250 gallons per day (GPD) for each mobile home, and the water distribution system shall be designed and maintained so as to provide a pressure of not less than 35 pounds per square inch under normal operating conditions, at service buildings and other locations requiring potable water supply. Any other applicable requirements of the Pennsylvania Department of Environmental Protection with respect to water supply, shall also be met.

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**401.13 Sewage Disposal**

An adequate and safe sewerage system shall be provided in all parks, for conveying and disposing of sewage from mobile homes, service buildings, and other accessory facilities. Such system shall be designed, constructed, and maintained, in accordance with the Pennsylvania Department of Environmental Protection or local health regulations.

**401.14 Required Off-Street Parking**

Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. No less than 2 vehicular parking spaces of at least 20 square feet each in size shall be provided for each mobile home lot. Common parking areas shall not be located further than 300 feet from the mobile home lots that they are intended to serve. Any common parking areas shall be all-weather surfaced.

**401.15 Utilities**

- A. Electrical Distribution: All mobile home parks shall have an underground electrical distribution system which shall be installed and maintained in accordance with the local electric power company's specifications regulating such systems. All connections from the meter box to the trailer shall be installed by a qualified electrician and each trailer shall have its own meter box.
- B. Natural Gas System: Natural gas piping systems, when installed in mobile home parks, shall be maintained in conformity with accepted engineering practices. Each mobile home provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharges of gas when the outlet is not in use.
- C. Liquefied Petroleum Gas ( LPG ) Systems: Liquefied petroleum gas systems, when provided in mobile home parks, shall be provided with safety devices to relieve excessive pressures with discharges terminating at a safe location. Systems shall have at least one accessible means for shutting off gas located outside the mobile home, and which shall be maintained in effective operating condition. All LPG piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes. Vessels of more than 12 and less than 60 U.S. gallons gross capacity shall be secured to prevent accidental overturning. No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure.
- D. Fuel Oil Supply Systems: All fuel oil supply systems, when provided in mobile home parks, shall be installed and maintained in conformity with the following regulations:
  - 1) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely fastened in place.
  - 2) All fuel oil supply systems shall have shutoff valves located within five (5) inches of storage tanks.
  - 3) All fuel storage tanks or cylinders shall be securely placed and shall not be located closer than five (5) feet from any mobile home parking area or exit.
  - 4) Storage tanks located in areas subject to traffic shall be protected against physical damage.

**401.16 Application to Existing Parks**

Extensions or enlargements of existing mobile home parks by addition of land areas or increase in

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the number of available lots shall fully comply with the provisions of this Article, except to the extent which they would be modified by restrictive covenants approved by the Township for an existing contiguous portion of the park.

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**ARTICLE V - RECREATIONAL LAND DEVELOPMENTS**

**501 Design Standards and Other Requirements**

**501.1 Minimum Development Area**

A campground subdivision or land development shall have a gross area of at least five (5) contiguous acres of land in single ownership or Under Unified control.

**501.2 Screening Requirements**

All campgrounds shall provide and maintain a vegetative screening strip of planted or natural growth, along all property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area within a reasonable (5 -10 years) time period. A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Board of Supervisors.

**501.3 Lot and Sitting Requirements**

- A. Recreational land development lots or camping sites shall be at least fifty (50) feet wide and one hundred (100) feet deep, excepting transient recreational land developments which may be 10 clustered. Gross density, however, shall not exceed a total of eight (8) sites per acre for the development. Frontages on cull- de-sacs may be varied.
- B. Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, notwithstanding the requirements of Section 501.2 above, no recreational vehicle or tent platform shall be located closer than fifty (50) feet to the street right-of-way; closer than twenty-five (25) feet to any other recreational vehicle or tent platform; or fifty (50) feet to any adjacent property line.

**501.4 Off-Street Parking Requirements**

At least two off-street parking spaces shall be provided for each site. At least one such off-street parking space shall be provided on each lot as required.

**501.5 Streets**

Recreational land development streets shall be not less than fifty (50) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Township Board of Supervisors upon recommendation of the Township Engineer, based upon the size of the development, site conditions and type of development proposed (i.e. primitive tent camping or RV camping).

**501.6 Sewage and Water Supply**

No individual on-site sewage or water supply shall be permitted, and all community systems for the common use of campsite occupants shall fully comply, as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Protection and Damascus Township.

**501.7 Other Regulations**

The following additional regulations shall apply to all recreational land developments:

- A. Appurtenances: No permanent external appurtenances such as carports, cabanas or patios, may be attached to any travel trailer or other recreational vehicle parked in a recreational land

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development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.

- B. Location: A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 150 feet of frontage on a State or Township highway shall be required.
- C. Common Use Areas: A minimum of 20% of the gross site area of the recreational land development shall be set aside and developed as common Use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
- D. Entrances and Exits: Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle, for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for, vehicles with trailers attached. No intersection of an entrance and/or exit with a State or Township highway shall be located where less than 500 feet of sight distance exists in either direction along the State or Township highway, nor shall such intersection be located within 150 feet of any other intersection.
- E. Parking Areas: In connection with the use of any recreational land development, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space located and sealed so that the prohibitions above may be observed, and shall be responsible for violations of these requirements.
- F. Occupancy: Campsites shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than 12 consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal within the immediately preceding 12 months. These requirements shall be attached to each campsite sale or membership in non-transient recreational land developments by restrictive covenant.
- G. Records: The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational development until the owners and/or management provide evidence of compliance with these provisions.
- H. Sanitary Waste Disposal: No owner or occupant of any campsite or recreational land

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development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within six hundred (600) feet of each lot or campsite.

- I. Fences: All property lines within the development shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, ledges or walls, shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.
- J. Nuisances: No noxious or offensive activities or nuisances shall be permitted on any campsite.
- K. Animals: No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
- L. Garbage and Refuse disposal: No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk vehicles on a campsite.
- M. Camping Accessories: Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.
- N. Ditches and Swales: Each owner shall keep drainage ditches and swales located on his campsite free and, unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.
- O. Drilling and Mining: No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.
- P. Vehicle Parking: No recreation vehicle shall be parked on any street or roadway within the development.
- Q. Fire Rims: Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.
- R. Water Supply: Potable water drinking fountains shall be provided within three- hundred (300) feet of each campsite.

The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational developments and shall be made part of a management plan for any transient recreational developments, which covenants and/or plan shall be approved by the Township Board of Supervisors in its review of preliminary and final plans for the recreational development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this section shall be required of all non-transient recreational developments. This shall be in addition to the submission requirements contained in Article II of this Ordinance. A plan or set of covenants which does not adequately provide for conformance with this Section shall not be approved. The plan and/or covenant shall also provide the Township with the option (but not the obligation) of being a party to their enforcement and include a right for the Township to periodically inspect the development for continued compliance with the plan and/or covenants.

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**ARTICLE VI - DEFINITIONS**

**601 General**

As used in these regulations, words in the singular include the plural and those in the plural include the singular. The words 'shall' and 'will' for the purpose of these regulations are defined as mandatory.

For the purpose of these regulations, the following terms shall be considered interchangeable:

- A. The words Ordinance and regulation(s)
- B. The terms Township and Damascus Township
- C. The terms Subdivider and developer; Subdivision, development, and land development

Unless otherwise expressly stated, the following definitions shall, for the purpose of these regulations, have the meaning herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition.

**602 Glossary of Terms**

The following is a list of specific terms, found elsewhere in the Ordinance, along with definitions of their intended meaning:

**Alley** - A permanent service way providing a secondary means of access to abutting lands.

**All-Weather Surfaced** - The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone and shale surfaces will all suffice to meet this test but the depth and installation of the material shall be subject to the approval of the Township Engineer.

**Applicant** - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns .

**Berm or Shoulder** - That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

**Block** - A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights- of-way, watercourses, bodies of water, boundary lines of the Township, or by any combination of the above.

**Building** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. On-site sewage disposal system is exempt from this definition. A multi-family building divided by unpierced masonry walls extending from the ground to the underside of the roof shall not be deemed to be more than one (1) building for the purpose of this Ordinance.

**Campsite** - A lot within a recreational land development used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes. Campsites in transient developments may be clustered and not necessarily specifically defined, however, provided the gross density does not exceed that permitted herein.

**Clear Sight Triangle** - An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

**Cluster Development** - A form of development for single-family residential and/or commercial

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subdivisions that permits a reduction in lot area and certain development standards, provided unit densities permitted under conventional subdivision/commercial development are maintained and the resultant land area is devoted to common space.

**Commonwealth** - The Commonwealth of Pennsylvania and any of its Departments or agencies.

**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 the development. It does not include streets, off- street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.

**Common Property** - All of the land and improvements part of a subdivision or land development which is to be jointly owned and maintained by the lot owners, lessees and/or members of the development and identified as such by the subdivider on any plan offered to the Township for approval.

**County** - The County of Wayne, Commonwealth of Pennsylvania, and its Planning Commission.

**Cul-de-sac** - A minor street providing a single access to a group of lots with a turn about area at the end of such street.

**DEP** - The Pennsylvania Department of Environmental Protection.

**Developer** - The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or land development or any of the activities covered by this ordinance, particularly the preparation of a subdivision plan showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider", even though the personnel involved in successive stage of this project may vary.

**Driveway** - A defined private access from an individual lot to a public or approved private right- of-way.

**Dwelling** - A structure or portion thereof which is used exclusively for human habitation. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

- A. Single-Family: A building arranged, designed and intended, for and occupied exclusively by, one family.
- B. Two-Family: A building arranged, designed and intended for and occupied by two families living independently.
- C. Multi-Family - A building arranged, designed and intended for and occupied by three (3) or more families living independently and having no cooking or sanitary facilities in common with any other dwelling unit; including apartment houses, apartment hotels, flats and garden apartments.

**Easement** - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

**Filing Date** - The date of the regular meeting of the next Planning Commission following the date an application for preliminary or final approval of a subdivision or land development is received by the Planning Commission Secretary. If said next regular meeting occurs more than thirty days following its receipt, the filing date shall be the thirtieth day following its receipt by the Secretary. Submissions lacking information required by this Ordinance will not be considered filed.



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**Frontage** - That side of a lot abutting on a street or way and ordinarily regarded as the front.

**Interior Streets (Access Drives)** - Streets intended to provide access to lots bordering a public right-of-way to which access has been limited or prohibited, and generally running parallel to such right-of-way.

**Land Development** - Any of the following activities:

The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. 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
- B. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- C. A subdivision of land.

Development in accordance with section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

**Lot** - Land occupied or to be occupied by a structure and its accessory structures, or by a dwelling group and its accessory structures, together with such open spaces as are required under the provisions of this Ordinance, having not less than the minimum area and width required by this Ordinance for a lot in the zoning district which such land is situated, and having its principal frontage on a road or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a structure on such land .

**Lot Area** - The horizontal land area contained within the lot lines of a lot measured in acres or square feet minus the rights-of-way of existing public streets or highways, existing or proposed overhead rights-of-way of utility lines, and any other rights-of-way.

**Lot Improvement Subdivision** - The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and the Damascus Township Zoning Ordinance and no new lots are created, or the combination or reallocation of small lots into a larger lot or lots.

**Lot Width** - The distance between side lot lines measured at the required minimum yard depth or at a point of the principle structure closest to the front lot line measured along a line parallel to a line connecting the end points of the front lot line.

**Major Subdivision** - Any subdivision or land development which is not a minor subdivision, or is a recreational subdivision or land development, a mobile home park, or a land development designed to accommodate commercial and industrial uses, multi-family dwellings or two-family dwellings. Any subdivision which involves the utilization of off-site sewage disposal systems or water supplies, the construction of any streets, or the utilization of clustering techniques shall also be considered a major subdivision, regardless of the number of lots or other considerations.

**Minor Subdivision** - A subdivision or development containing not more than ten lots, or a cumulative development on a lot-by-lot basis for a total of ten lots, of any original tract of land of record (i .e., not previously subdivided or developed subsequent to the effective date of this Ordinance, by the owner or the owner 's duly appointed agent) where no streets or accesses are required. Use of the land is limited to a single-family dwelling. Minor subdivisions shall otherwise meet the definition of a "Supplement to the Township Official Plan" as provided for in Chapter 71 of the Regulations of the Pennsylvania Department of Environmental Protection.

**Mobile Home** - A transportable, single family dwelling intended for permanent occupancy, contained in

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one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**Mobile Home Lot** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**Mobile Home Park** - A parcel or contiguous parcels of land which has been designated and improved that contains two or more mobile home lots for the placement thereon of mobile homes.

**Mobile Home Site** - That part of an individual lot which has been reserved for the placement of the mobile home, appertaining structures or additions.

**Official Wastewater Disposal Plan** - A comprehensive plan for the provision of adequate sewage systems, adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of such systems, and submitted to and approved by the State Department of Environmental Protection, as provided by the Pennsylvania Sewage Facilities Act and Chapter 71, Rules and Regulations, promulgated hereunder.

**Off-site Sewage Disposal** - A sanitary sewage system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties or employing other disposal in any manner shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

**Off-site Water Supply** - A water supply system designed to serve more than one dwelling unit or building; not including the use of a single well for two dwellings on the same parcel of land.

**On-site Sewage and Water Supply** - A single system of piping, tanks or other facilities serving only the water and sewage needs of a single lot within the boundaries of an individual lot.

**Parcel** - An area of land resulting from the division of a tract of land for the purposes of transfer of ownership, use or improvement.

**Pavement** - Improvement of the traveled portion of a roadway with an all-weather surface and otherwise conforming to the Township Road Ordinance standards.

**Performance or Completion Guarantee** - A surety bond, certified check or other security meeting the requirements of Act 247 (Pennsylvania Municipalities Planning Code), and the terms of which are satisfactory to the Township Solicitor, guaranteeing the subdivider will install all required or planned improvements.

**Person** - Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

**Plan or Plot** - A map or chart indicating the subdivision or re-subdivision of land, which in its various stages of preparation can include the following:

- A. Sketch Plan -An informal plan, identified as such with the title "Sketch Plan" on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for consideration by the Township.
- B. Preliminary Plan -A complete plan prepared by a professional planner, registered

**DAMASCUS TOWNSHIP, WAYNE COUNTY, PENNSYLVANIA**  
**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE COMPILATION -- 2008**

professional engineer or registered surveyor, identified as such with the wording "Preliminary Plan" in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.

- C. Final Plan -A complete and exact plan, identified as such with the wording "Final Plan" in the title, with professional engineer's and/or registered surveyor's seal affixed, and prepared for official recording.

**Planning Module** - A form filed with the DEP that aids the township and developers in complying with the planning requirements of the Pennsylvania Sewage Facilities Act, Section 71.51(1) of Chapter 71,

**Recreational Land Development** -The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use.

**Surveyor** - A registered land surveyor licensed by the Commonwealth of Pennsylvania.

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

**Supervisors, Board of** -The Damascus Township Board of Supervisors.

**Township** - Damascus Township, Wayne County, Pennsylvania

**Township Engineer** - A Professional Engineer licensed as such by the Commonwealth and appointed or hired on a consulting basis to provide engineering advice to the Township.

**Watercourse** - A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature, or it may originate from temporary sources such as runoff from rain or melting snow.

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