

**Morris Township,
Clearfield County**

**Subdivision and Land Development Ordinance:
Ordinance 5091**

September 1, 2005

**Prepared by
GCCA**

**On behalf of the
Morris Township Planning Commission
and the
Morris Township Board of Supervisors**

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Article 1 – General Provisions

101 – Short Title

This Ordinance shall be known and may be cited as “The Morris Township Subdivision and Land Development Ordinance.”

102 – Purpose

The purpose of this Ordinance is to:

- A. Regulate subdivisions and land developments within the Township pursuant to the legislative grant of power contained in Section 501 of the Pennsylvania Municipalities Planning Code (PaPMC).
- B. Ensuing that, in so far as possible, the layout or arrangements of subdivision and land developments conform to the Township Comprehensive Plan.
- C. To help implement the Morris Township and Clearfield County Comprehensive Plans, especially the Morris Township Community Development Goals and Objectives.
- D. To provide uniform standards for the submission, approval and recording of subdivision and land developments.
- E. To provide equitable and uniform processing and approval proceeding for all developers.
- F. To ensure public and private improvements meet minimum quality specifications.
- G. To ensure the protection of private property through accurate depictions of lots, maintenance of reasonable setbacks, protection of property from stormwater or sewage runoff, preventing or minimizing the impact of nuisance light, and noise from land use conflicts, and to ensure adequate water supplies for new and existing development.
- H. To generally protect the health, safety and welfare of all Township residents.

103 – Authority and Jurisdiction

The authority of the Board of Township Supervisors to adopt this Ordinance regulating subdivision and land development within Morris Township is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, as amended. As a result, no subdivision or land development of any lot, tract or parcel of land shall be made, no streets, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants buildings abutting thereon, or non sale of a new lot or occupancy of a land development, except in accordance with the provisions of this Ordinance.

104 – Interpretation

The provisions of this Ordinance shall be interpreted to be the minimum requirements to meet the purposes of this Ordinance. Where the provisions of this Ordinance conflict or are inconsistent with the provisions of any other regulation or requirement, the more restrictive provisions in question shall apply.

105 – Municipal Liability

The granting of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees.

106 – Effective Date, Jurisdiction and Repealer

- A. This Ordinance shall become effective on September 6, 2005 and shall remain in effect until amended or rescinded by the Board of Township Supervisors. This Ordinance shall supersede and replace all other conflicting regulations issued by the Township previous to the approval date of this Ordinance, especially Ordinance Two of 1984. No applicable land development or subdivision of land shall occur in Morris Township except by the provisions of this Ordinance. Compliance with this Ordinance does not release any party from compliance with other applicable local, county, state or federal laws or regulations.
- B. Should any portion of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, nor the validity of any other section or provision of the Ordinance, other than the one so declared.
- C. The Township may adopt by resolution various implementing regulations, including, but not limited to, a fee schedule, specifications for streets and stormwater, and a public-private improvements code.

107 – Recording of Sale of Lots

- A. No plan of a subdivision or land development proposed within Morris Township shall be recorded in any public office unless or until that plan has been approved or reviewed by the Township and shall bear the proper certification of such action.
- B. It shall be unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot, parcel or tract of land as part of, or in conformity with, any plan, plat or replat of any subdivision or land development unless and until said plan, plat, replat or land development shall have been first recorded in the office of the Clearfield County Recorder of Deeds.

108 – Sanctions and Penalties

A. Any person, partnership or corporation who or which being the owner or agent of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells or transfers any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been approved and recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation shall be prosecuted in a civil enforcement proceeding as authorized by Sections 515.1, 515.2, and 515.3 of the Pennsylvania Municipalities Planning Code with the remedy provided. Specifically, any person, partnership or corporation who or which has violated the provisions of this subdivision and land development ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the county, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the County as a result thereof. 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 a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. The Township Board of Supervisors may also initiate and maintain civil action:

1. To obtain a writ of injunction against the subdivider who attempts the improper sale, lease or conveyance of land.
2. To set aside and invalidate any conveyance of land made prior to recording of any subdivision or land development.

Nothing herein shall prevent the Township from taking such other action as may be necessary to prevent or remedy any violation or to restrain it from following the requirements of the aforementioned code.

Article 2 – Review Process Requirements

201 – Introduction

The purpose of this section is to set forth the procedures for the submission of processing and approval of major subdivisions, minor subdivisions, mobile home parks, and minor or major land developments. Generally, the processing of these developments will follow similar steps, although the details on the specific information, drawing scale and other details may vary. For general information, the following is provided:

Minor Subdivisions, Replats and Minor Land Developments: This Ordinance allows a streamlined process for uncomplicated and smaller-scale developments. Generally, these involve small developments along existing roads, changes of lot lines between adjoining properties and smaller land developments. No extension of utilities or new roads may be involved except for extensions of private roads for right-of-way access. A one-step process may be permitted starting with a combined preliminary and final plan. Minor Subdivisions, Replats and Minor Land Developments are defined in Article 7.

Major Subdivisions, Mobile Home Parks and Land Developments (excluding Minor Land Developments) involve a two-stage process, using a preliminary and final plan. The purpose of the preliminary plan is to set forth the proposed development in detail. This allows for a comprehensive review of the proposed development to acquaint the developer with any requirements that may have been missed. The final plan is the document to be officially recorded. If any deficiencies have been corrected, the final plan can be approved. After approval, the developer has ninety (90) days to record the plan. All plans must be recorded or the approval is voided.

202 – Appropriate Bodies

For the purpose of this Ordinance, the Morris Township Board of Supervisors is the approving body. However, all plans, either preliminary or final, must be referred to the Morris Township Planning Commission and the Clearfield County Planning Commission. The County has up to thirty (30) days to complete its review and submit comments.

203 – Sketch Plan Pre-Submissions

A sketch plan/pre-submission conference is not required. However, it is highly recommended. The purpose is to acquaint the developer with the requirements of this Ordinance and to avoid unneeded processing or incorrectly prepared plats. This step may not be needed for minor subdivisions though the developer or the developer's surveyor should understand the requirements of this Ordinance.

204 – Preliminary Plans and Final Plans

Preliminary plans are required of all major subdivisions, mobile home parks, and major land developments. Minor subdivision and land developments may submit a combined preliminary final plan document.

205 – Time of Submission

All plans must be submitted at least one (1) week prior to the meeting of the Township Planning Commission. The developer is strongly encouraged to attend the Planning Commission meeting at which time the application is to be considered. Non attendance could result in time delays.

206 – Number of Copies/Other Information

At least seven (7) copies of the plan, all required exhibits and one application must be submitted. The size, scale and type of submission is detailed by Article 4. The Township may develop and include a formal application which shall accompany all subdivisions.

207 – Subdivision Administrator

All plans, exhibits, applications and correspondence shall be directed to the Subdivision Administrator, who shall be selected by the Township Board of Supervisors. The Subdivision Administrator is also responsible for all communications including notices of approval, disapproval and conditional approval.

208 – Receipt

The Subdivision Administrator shall review submissions to determine if all required components are included. If they are not, the submission will be returned, and it will not be considered as a submission. If all required components are included, a receipt will be issued. The receipt acknowledges only that the submission is complete and does not determine its compliance with the standards set forth in this Ordinance or other applicable regulations.

209 – Time

After receipt, the Township shall approve, disapprove or conditionally approve the submission within ninety (90) days.

210 – Processing

All plans, whether preliminary or final, shall be processed as follows:

- A. Five (5) copies shall be sent to the Morris Township Planning Commission. The Commission shall review the plans for compliance with this Ordinance, any other pertinent regulations, and forward its findings to the Supervisors.

- B. One (1) copy shall be forwarded by the Township to the Clearfield County Planning Commission for their review and comment. The subdivision shall not be approved until comments are received from that agency or the expiration of thirty (30) days from the date the application was forwarded. If the County imposes a fee for its review and report, that fee shall be paid by the applicant.
- C. Two (2) copies shall be retained to record approval, disapproval or conditional approval upon, of which one (1) copy shall be returned to the developer.

211 – Approval, Disapproval or Conditional Approval

The Township is vested with the power to:

- A. Approve the application as submitted.
- B. Disapprove the application as submitted. If the application is disapproved, the Township shall cite the deficiencies of the application and identify appropriate sections of this Ordinance that the application or plat did not comply with.
- C. Conditional Approval: The Township may grant the application a conditional approval. If so, it shall specify the defects found in the application and those sections of this Ordinance or law involved, as appropriate, and what other conditions must be met for approval. These conditions shall be forwarded to the applicant and must be accepted by the applicant, in writing, within fifteen (15) days of notice thereof. If not accepted in writing, or if rejected, the conditional approval shall be rescinded.
- D. Notice of Action: The Subdivision Administrator, as specified by the Board of Supervisors, shall notify the applicant, in writing, by first class mail, of the decision of the Supervisors within fifteen (15) days of the decision.

212 – Recording of Plan

- A. Upon approval of the final plan, the plan shall then be recorded by the developer with the County Record of Deeds. The final plan shall be recorded ninety (90) days after the date of the final plan approval. Should the developer fail to record the final plan within such a period, the approval shall be considered null and void.
- B. The final plan shall be recorded with the County Recorder of Deeds before proceeding with the sale of lots, the issuance of building permits by the Township, or the construction of buildings. Proof of such recording shall be required by the Code Officer.
- C. Recording the final plan after approval shall have the effect of an irrevocable offer to dedicate all public streets and other public ways to public use, and to dedicate or reserve all park reservations, and school sites and other public service areas as provided. Approval shall not impose any duty upon the Township concerning maintenance, acceptance, or improvement of any such dedicated streets, parks areas or portions of

improvements until the proper authorities of the Township shall have made actual appropriation by ordinance of acceptance.

213 – Processes and Procedures

All processes and procedures shall follow the Pennsylvania Municipalities Planning Code where not explicitly stated.

Article 3 – Plan Requirements

301 – Sketch Plan

- A. Sketch plans should be legibly drawn on a Clearfield County Tax Map or similar property line map.
- B. Sketch plans should include:
 - 1. Proposed development and land uses.
 - 2. Proposed public improvements.

302 – Preliminary Plan

- A. Scale: The preliminary plan shall be drawn to scale based on the following:
 - 1. If the average size of the proposed lot (not including residue) in the subdivision is five (5) acres or smaller, the plan shall be drawn to a scale of one (1) inch equals one hundred (100) feet (1" = 100').
 - 2. If the average size of the proposed lot (not including residue) in the subdivision is between five (5) acres and fifty (50) acres, the plan shall be drawn to a scale of one inch equals two hundred feet (1" = 200').
 - 3. If the average size of the proposed lots (not including residue) in the subdivision is over fifty (50) acres, the plan shall be drawn to a scale of one inch equals four hundred feet (1" = 400').

Land developments without creation of new lots shall submit site plans pursuant to the following standards. For land developments of a total development area of less than fifteen thousand (15,000) square feet, the site plan shall be prepared at a scale of one inch equals fifty feet (1" = 50'). Where the total development area is less than five (5) acres, the site plan shall be prepared at a scale of one inch equals one hundred feet (1" = 100'). Where the total development area is greater than five (5) acres, the site plan shall be prepared at a scale of one inch equals two hundred feet (1" = 200'). Where it is planned that building and parking lot development will cover an area in excess of fifty thousand (50,000) square feet, combined topographic data at two (2) foot contour intervals shall be required. In addition to the other requirements for preliminary and final subdivision and land development plans set forth, as applicable, each land development site plan shall, through one (1) or more pages, show:

- B. Plan Size and Legibility:

1. The subdivision plan submitted for preliminary approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.
2. Preliminary plans shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches. For small subdivisions, an alternate standard sheet size will be accepted. Final plans drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.

C. Plan Information: The preliminary plan shall show or be accompanied by the following information:

1. Proposed subdivision name or identifying title.
2. North point, scale and date.
3. A title/certificate block, containing the following:
 - a. Name and address of owner of property and acknowledgement of subdivision.
 - b. Name and seal of registered design professional responsible for the plan.
 - c. Certificate of review by the Clearfield County (?) Planning Commission.
 - d. Certificate of review and approval by the Township Planning Commission and the Township Board of Supervisors.
4. Tract boundaries with bearings and distances and total acreage being subdivided.
5. In the case of major subdivisions, contours at vertical intervals of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract. Areas of steep slope (25%+) shall be clearly identified
6. All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands, tree masses, rock outcropping, caverns, sinkholes and other environmentally sensitive areas.
7. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants and other significant man-made features.
8. All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.
9. All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established.

10. Location, name and width of all proposed streets, alleys, rights-of-way, and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
11. The names of owners of all abutting unplotted land and the names of all abutting subdivisions.
12. Where the preliminary plan covers only a part of the developer's entire abutting holdings, a statement on eventual development of those lands, including a sketch of prospective eventual street layout.
13. Identify any areas where non-agricultural earth disturbance will occur, including estimated acreage of disturbance.
14. A map for the purpose of locating the site to be subdivided at a scale of not more than two thousand (2,000) feet to the inch (e.g. drawn on a 7.5 Minute USGS Quadrangle Map).

D. The preliminary plan shall include therein or be accompanied by:

1. All required permits and related documentation from the Pennsylvania Department of Environmental Protection (PA DEP) and any other Commonwealth agency, or from the County or Township where any alteration or relocation of a stream or watercourse is proposed.
2. Documentation indicating that all affected adjacent municipalities, PA DEP, the Department of Community and Economic Development, and the Federal Insurance Administrator have been notified whenever any alteration or relocation of a stream or watercourse is proposed.
3. Copies of the proposed deed restrictions, if any, shall be attached to the preliminary plan.
4. Proposed cross-sections, profiles and details of any new proposed streets, sewer or waterlines, or storm sewer facilities.

303 – Final Plan

A. Plan Size and Legibility:

1. The subdivision plan or land development plan submitted for final approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.

2. Final plans shall be on sheets no larger than twenty-four (24) by thirty-six (36) inches. For small subdivisions, an alternate standard sheet size will be accepted. Final plans drawn in two (2) or more sections shall be accompanied by a key diagram showing the relative location of the sections.

B. Required Information:

1. The final plan shall include the following:
 - a. Subdivision name or identifying title.
 - b. North point, scale and date.
 - c. Name of the record owner and developer.
2. Name and seal of the registered professional, if any, responsible for the plan.
3. Name and seal of the professional surveyor certifying the accuracy of the plan.
4. Boundaries of the tract, along with the location of boundary monuments and markers, of the area being subdivided with accurate distances to hundredths of a foot and bearings to one quarter of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet.
5. Street lines, lot lines, rights-of-way, easements and areas dedicated or proposed to be dedicated to public use.
6. The length of all straight lines, radii, lengths of curves, deflection angles and tangent bearings for each street.
7. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
8. The proposed building setback line for each lot, or the proposed placement of each building.
9. Location, size and invert elevation of all sanitary, storm and combined sewers and location of all manholes, inlets and culverts.
10. All dimensions shall be shown in feet and in hundredths of a foot.
11. Lot numbers.
12. Names of streets within and adjacent to the subdivision.

13. Permanent reference monuments shall be shown.
14. Names of any adjoining subdivisions shall be shown.
15. Names of the owners of any unplotted land shall be shown.
16. Certificates - The final plan shall include thereon or be accompanied by:
 - a. Certificate of dedication of streets and other public property, if offered for dedication.
 - b. Certificate for approval by the Township Board of Supervisors.
 - c. An affidavit that the applicant is the owner or equitable owner of the land proposed to be subdivided.
 - d. A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the owner or owners of the property, to the effect that the subdivision as shown on the final plan is made with his or their free consent and that it is desired to record the same.
 - e. Certification by the State Department of Environmental Protection when individual sewage disposal or water systems are to be installed as required by Article 4 of this Ordinance.
 - f. Certification that the developer has met the design and construction standards of this Ordinance.
 - g. An affidavit from each and every utility that the easements, and proposed improvements provided satisfy the requirements of the respective utility company and that there is both a capacity and willingness to serve the development.
 - h. A letter from the Clearfield County Conservation District or the Department of Environmental Protection stating that all requirements of the latest version of the Soil Erosion and Sedimentation Control Manual have been met by the subdivider.
 - i. An agreement by the developer to provide a list of applicable specified standards and improvements to purchasers, builders or their agents.

C. The final plan shall include therein or be accompanied by:

1. Construction plans including, but not limited to, typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the

following: existing (natural) grade along the proposed street centerline; proposed finished centerline grade or proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains, inlet, manholes and culverts

2. Protective covenants, if any, in form for recording.
3. Proof of approvals by all appropriate public and governmental authorities or agencies where applicable, including, but not limited to, occupancy permits for any planned road entrances onto existing roads or highways and permits or approvals from the Department of Environmental Protection or other State agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.

Article 4 – Design and Construction Standards

401 – Compliance

All subdivisions and land developments shall comply with the standards of this Article. If such standards are replicated or are in conflict with any municipal zoning ordinance, specific plan, or other Township ordinance, the more restrictive standards shall prevail. In addition to these, the Township may require evidence of compliance with all other municipal, county, state or federal laws or regulations.

402 – Lot, Setback, Coverage, and Yard Standards

To provide for sufficient light, air, access, orderly design and freedom from hydrologic, geologic or topographic hazards, all subdivisions and land developments shall be designed in conformance with this Section. The following lot and yard standards are uniformly applicable throughout the Township for all subdivisions and land developments.

Subdivision or Land Development Use Category	Minimum Lot Size	Minimum Front Yard Setback	Minimum Side Yard	Minimum Rear Yard	Minimum Lot Width	Maximum Lot Coverage
New lot for single-family residential purposes with approved on-lot sewer	43,560 square feet	30 feet	20 feet	20 feet	100 feet	20%
New lot for single-family residential purposes with community sewer or water only	20,000 square feet	30 feet	15 feet	15 feet	80 feet	25%
New lot for single-family residential purposes with both community water and sewer	10,000 square feet	30 feet	10 feet	10 feet	60 feet	30%
Multi-family dwelling land development	43,560 square feet for the first two dwelling units plus 5,000 square feet for each addition dwelling unit	40 feet	20 feet	20 feet	100 feet	40%
Professional office land developments	25,000 square feet	40 feet	25 feet	20 feet	80 feet	25%
Shopping, retail and mixed commercial land development	43,560 square feet	40 feet	25 feet	30 feet	100 feet	25%

Subdivision or Land Development Use Category	Minimum Lot Size	Minimum Front Yard Setback	Minimum Side Yard	Minimum Rear Yard	Minimum Lot Width	Maximum Lot Coverage
Eating and drinking places land development	30,000 square feet	40 feet	25 feet	30 feet	100 feet	25%
Convenience store/service station land development	20,000 square feet	40 feet	25 feet	30 feet	100 feet	25%
Light industry	43,560 square feet	40 feet	25 feet	30 feet	100 feet	25%
Heavy industry	87,120 square feet	40 feet	30 feet	40 feet	100 feet	25%
General institutional	20,000 square feet	40 feet	20 feet	20 feet	80 feet	25%
Truck terminals, warehousing, truck service plazas	87,120 square feet	40 feet	30 feet	40 feet	100 feet	25%
Mobile home parks	5 acres	No mobile home lot within 40 feet of any public right-of-way	No mobile home lot within 50 feet of any property line	No mobile home lot within 50 feet of any property line	100 feet	25%
Mobile home lot within mobile home park	10,000 square feet – see 404.k.8	No mobile home may be placed within 10 feet of any park street	10 feet	10 feet	50 feet	25%
Recreational vehicle parks and campgrounds	10 acres	No recreational vehicle lot or camp site within 40 feet of any public right-of-way	No recreational vehicle lot or camp site within 50 feet of any property line	No recreational vehicle lot or camp site within 50 feet of any property line	100 feet	25%
Sanitary landfills	100 acres	40 feet	40 feet	40 feet	40 feet	25%
Telecommunications towers	25,000 square feet	40 feet	40 feet	40 feet	40 feet	25%
Mineral excavation	10 acres	40 feet	40 feet	40 feet	40 feet	25%

403 – Additional Lot Standards

- A. Lot Averaging: In subdivisions of ten (10) lots or more (excluding original or residual tract), lots below the minimum standard may be allowed provided no lot is less than twenty-five percent (25%) below the minimum, the average size of all newly created lots equals the stated minimum and no more than ten percent (10%) of the number of lots falls below minimum standards.
- B. Mixed Use Developments: Subdivisions and land developments may mix all of the development types in a single development plan, provided that all standards shall be met for each use type individually.
- C. Blocks: New blocks for residential or general subdivisions shall not be less than six hundred (600) feet in length. In the design of blocks larger than one thousand feet (1,000), special consideration shall be given to the requirements of satisfactory fire protection.
- D. Frontage: All lots shall front on a proposed or existing public street or approved private street or private drive meeting the requirements of this Ordinance.
- E. Buildable Lots: Lots containing any steep slope [twenty five percent (25%) or greater], statutory wetlands, or floodplain floodway shall be enlarged so that the buildable area meets the required minimum lot area requirements of this Article. Such environmentally sensitive lands may be added to one (1) or more lots. A deed restriction or conservation easement shall be filed to prevent future subdivision and/or development of environmentally sensitive areas where sufficient lot minimum cannot be met. Nothing in this section is meant to prevent the creation of lots of greater than the buildable minimum size.
- F. Flag Lots: Flag lots are permitted in limited cases where deemed necessary. The Township may restrict the number of flag lots within any subdivision to prevent excessive access points to public roads. No flag lot shall be more than twice the applicable minimum lot size, unless accompanied by a deed restriction, which would preclude further subdivisions. The access portion of the flag shall be a minimum of fifty (50) feet in width.
- G. Depth-to-Width Ratio: The depth-to-width ratio shall not exceed 4:1 except in the case of lots of over four (4) acres in size.
- H. Land Development on Pre-Existing Lots: A new land development which does not involve a residential use may be planned on a lot which is less than the minimum size as required by this Article, provided that:
 - 1. The lot proposed for this use predates the adoption of this Ordinance.

2. All yard setback and lot coverage standards can be met, as well as applicable requirements of the Sewage Facilities Act and its regulations.
3. There is sufficient space on the lot to provide for sufficient parking and buffer areas as required by this Ordinance.
4. No mobile home park or multiple-family dwelling is proposed for the lot.
5. In such circumstances, the Township may require the developer to reduce building size to comply with all yard, setback and coverage requirements.

404 – Additional Standards for Specific Forms of Land Development

In addition to other requirements in this Article, subdivision and land developments, which meet the definitions of specific use categories, shall meet specific standards as required by this section.

Note: for references to screening see section 405

A. Multiple-Family Dwellings:

1. **Minor Land Development:** For the purpose of this Article, a multiple-family dwelling development involving not more than three (3) dwelling units shall be considered a minor land development. Four (4) or more dwelling units shall be considered a major land development.
2. In addition to the minimum side yard required in Section 2, multi-family dwellings shall add one (1) foot of side yard for each additional dwelling unit after four (4) to a maximum of seventy-five (75) feet.
3. There shall be no less than twenty (20) feet between individual buildings containing dwelling units.
4. There shall be paved sidewalks between all dwelling units and parking areas.
5. Multi-family dwelling land developments containing more than ten (10) units shall include a play or recreation area. If this recreation or play area is within one hundred (100) feet of an arterial road or commercial parking lot, it shall be enclosed by a fence of at least four (4) feet in height. Such enclosed play area shall be no less than ten thousand (10,000) square feet in area.
6. If the multi-family dwelling land development contains more than ten (10) dwelling units, they shall employ Type I (section 405.A) screening on all sides that abut a single-family residential, commercial or industrial land use.
7. The plan shall contain a certification that solid waste disposal shall be the responsibility of the developer, rather than the tenants. The plan shall depict an

area intended for solid waste storage of the tenants in spill-proof, screened containers.

8. The building height must be within the service height limits of the applicable fire company.

B. Professional Office: Shall employ Type I (section 405.A) screening along all rear and side lot lines that abut a pre-existing single-family dwelling within two hundred (200) feet.

C. Shopping Centers/Retail Land Developments:

1. Developments of gross floor area of twenty thousand (20,000) square feet or less shall employ Type I (section 405.A) screening. Developments of gross floor area of greater than twenty thousand (20,000) square feet shall employ Type II (section 405.B) screening.
2. For multiple building land developments, no building shall be less than twenty (20) feet from another building.
3. Land developments of over thirty thousand (30,000) square feet gross floor area shall submit a pedestrian circulation plan, detailing safe pedestrian ways from parking areas to entrances. Means to prevent pedestrian/vehicular conflicts, whether through curbing, diagonal walkways or signs, shall be illustrated on the plan.
4. Front yard setbacks shall include a planting strip of at least ten (10) feet in width. This strip shall contain one (1) tree of at least six (6) feet in height for each forty (40) feet of frontage or fraction thereof.
5. If the commercial land development proposes overnight accommodations, such as a hotel or motel, such buildings shall not exceed the height limits of the applicable fire department. The Township may require written evidence that the local fire department can safely evacuate the building or suppress fires within it.
6. Buildings or groups of buildings of greater than forty thousand (40,000) square feet gross floor area shall add one (1) foot of all side yards for each additional one thousand (1,000) square feet of floor area to a maximum of one hundred (100) feet.

D. Eating and Drinking Places, Convenience Stores and Service Stations

1. Any fuel pumps shall be at least thirty (30) feet from any road right-of-way and at least thirty (30) feet from a side lot line.

2. No vehicle parking area may be developed between setback and neighboring property lines.
3. The developer shall agree that there shall be no outdoor storage of new or used parts, scrap parts, unlicensed vehicles, parts of vehicles, tires or vehicles which lack current Pennsylvania inspection stickers between setback areas and property lines.
4. Plans shall depict trash storage areas and proposed screening for refuse storage.
5. All lighting shall be indirect, or designed to prevent glare to neighboring properties.
6. All compressors shall be enclosed to muffle their sound from surrounding properties. Servicing areas shall be independent from off-street parking areas and arranged so that trucks may enter and leave moving in a forward direction. No maneuvering shall be permitted on a public road or highway.
7. Shall employ Type I screening on all side or rear lot lines that abut a pre-existing residential use within two hundred (200) feet.
8. All underground storage tanks shall be in compliance with all Federal or State regulations. Any tanks remaining unused for a period of six (6) months shall be removed by the owner of record.

F. Drive-Through Facilities: All drive-through facilities shall be designed to minimize conflict with pedestrian traffic. Drive-through lanes may not be emplaced where they conflict with a pedestrian building entrance.

1. A total stacking area suitable for six (6) cars shall be provided for every point of service.
2. Under no circumstances shall a public street or alley serve as a drive-through lane.

G. Light Industry:

1. Shall employ Type II screening on all side or rear lot lines that abut a pre-existing dwelling within two hundred (200) feet.
2. One (1) foot shall be added to side yard areas for each one thousand (1,000) square feet of gross floor area in excess of thirty thousand (30,000) square feet, to a maximum of one hundred (100) feet.
3. If more than five (5) heavy truck deliveries or pickups are anticipated, comply with applicable sections of 404.H.

H. Heavy Industry:

1. Shall employ Type III screening.
2. Shall develop an emergency plan in conjunction with the local fire department. This plan shall include identification of any hazardous materials and processes.
3. Three (3) feet shall be added to rear and side yard areas for each one thousand (1,000) square feet of gross floor area in excess of thirty thousand (30,000) square feet, to a minimum of three hundred (300) feet.

I. Institutional Land Development:

1. Shall employ Type I screening if greater than forty thousand (40,000) square feet gross floor area.

J. Truck Terminals, Warehouses, Truck Service Plazas:

1. Servicing areas shall be at the sides or rear of a building and shall be at least ten (10) feet wide by thirty-five (35) feet long with a clear height of fifteen (15) feet.
2. When several buildings in the same use share a property, one building may be designated to receive and ship goods but the number of servicing spaces shall be based upon the total square footage of all buildings.
3. Servicing areas shall be paved, sloped and drained as for parking areas if they receive daily use and/or abut a residentially used property. In all other situations, they may have a stabilized, dust-free surface only.

K. Mobile Home Parks:

1. Applicability: All mobile home parks shall conform to the provisions of this section as well as other applicable standards in this Ordinance.
2. Use Regulations: The uses allowed in a mobile home park shall be as specified in the Morris Township Zoning Ordinance, if adopted.
3. Application Procedures: All applications for mobile home park developments shall follow the procedures for submission of land developments found in Sections 502, 503, and 504 of this Ordinance.
4. Minimum Site Area: Each mobile home park site shall be at least ten (10) acres in size.
5. Site Location: Mobile home parks shall be located on well-drained lands free of natural or man-made hazards. Mobile home parks shall be laid out with due consideration to natural features. No development shall occur on the floodway,

wetlands or steep slope areas. Natural drainage ways shall in no way be impaired by development.

6. Density: The maximum number of dwelling units permitted in a mobile home park shall be calculated on the net area by deducting non-buildable and constrained land from the total site area in conformance with Article 402 of this Ordinance.

7. Clustering: The clustering of mobile home lots or sites is encouraged to provide for conservation of open space, protect environmentally sensitive areas and to provide for efficient development of streets and utilities. In order to approve any cluster plan, the Township shall apply the following test:

The number of mobile home lots times five thousand (5,000), plus the area of common open space in square feet, shall equal at least the minimum lot standard in Section 402 of this Ordinance for each proposed mobile home lot.

8. Site Improvements and Design: Minimum site improvements for all mobile home parks shall include, but shall not be limited to, the following:

a. Minimum Mobile Home Lot: No mobile home lot shall be less than ten thousand (10,000) square feet. However, the lot shall be large enough to meet yard and parking requirements. Mobile home lots shall not be located in environmentally sensitive areas as defined in this Ordinance. Each mobile home lot shall contain a mobile home stand, which shall be improved with concrete columns or slab to provide an adequate foundation for the placement of a mobile home, securing the structure against uplift, sliding or rotation. Each mobile home shall be provided with skirting of durable material entirely enclosing the area beneath the mobile home.

b. Streets: All mobile home park streets shall be designed to serve only residents of the mobile home park. Each mobile home site shall be accessible from a street. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on streets within the park.

(1) All streets shall be improved in accordance with Section 410 of this Ordinance. Streets shall meet minimum paving thickness and other requirements set out in this Ordinance and the street standards adopted by resolution of Morris Township.

(2) All streets within any mobile home park shall have a paved width of not less than twelve (12) feet for one-way and twenty-two (22) feet for two-way. Street width shall be increased by six (6) feet if on-street parking is permitted. All streets shall be kept free of

debris or other obstructions to provide clear access for fire, police or other emergency access. If streets are proposed for dedication, a minimum right-of-way of forty (40) feet shall be required.

- c. Off-Street Parking: Off-street parking shall be provided in all mobile home parks for the use of park occupants and guests. Parking shall be located convenient to each mobile home and in no case be located more than two hundred (200) feet from the unit it is intended to serve. The number and design of parking spaces shall be in accordance with Section 413.
- d. Yard Requirements: Mobile homes shall be placed off center on the lot so as to provide a larger usable open yard space and outdoor living area on one side of the unit. No structure or mobile home shall be located at less than the following:
 - (1) Fifty (50) feet from any perimeter lot line.
 - (2) Twenty (20) feet from any park street.
 - (3) Twenty (20) feet from any mobile home.
 - (4) Five (5) feet from any interior lot line.
- e. Common Open Space: Portions of the mobile home park not developed into mobile home lots, streets, recreation areas or service buildings shall be designated as common open space. All mobile home parks shall provide not less than ten percent (10%) of the total land area for common open space purposes. Such lands shall be improved whereby the same will be accessible to all families residing within said tract and whereby such open space may be used for recreational purposes. Environmentally sensitive areas may either be included within individual mobile home lots or deeded separately with appropriate deed restrictions barring future development.
- f. Utility Improvements: All mobile home parks shall provide to each lot both a continuing supply of safe and potable water as approved by the Department of Environmental Protection and a connection to a sanitary sewerage disposal facility as approved by the local sewage enforcement agency. Electric, telephone and centralized television cable service shall also be provided and shall be buried.
- g. Other Site Improvements: Each mobile home park shall provide garbage and trash collection and disposal facilities as approved by Morris Township, an adequate park street lighting system and such other

improvements or services as may be required in the best interest of the public's health, safety and general welfare.

- h. Screening: Buffer screening shall be provided along the perimeter of any mobile home park where the park abuts any of the following: arterial or collector highway, commercial or industrial area, developed residential subdivision. Buffer screening shall consist of Type I screening per Section 508(H) of this Ordinance.

L. Recreational Vehicle Parks and Campgrounds:

- 1. Application: All recreational developments and campgrounds shall conform to the provisions of this section. Such developments shall also conform with any zoning ordinance or master plan adopted by the Morris Township Planning Commission which is in effect at the time of submission of the preliminary plan.
- 2. Size: The total area of any recreational campground shall be sufficient to provide adequate facilities for the use contemplated and, in particular, to provide adequate space for off-street parking. In any event it should be no less than 10 acres.
- 3. Street System:
 - a. Traffic movements in and out of recreational developments and subdivisions should not interfere with external traffic, nor should they create hazards for adjacent residential areas.
 - b. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.
- 4. Yards: Each campsite shall have a dust- or mud-free parking space.
- 5. Utilities and Sanitary Facilities:
 - a. Any recreational development or subdivision shall include such utilities and sanitary facilities as are necessary for the health, safety and welfare of those persons using the recreational development or subdivision.
 - b. Where possible, recreational developments and subdivisions should be located so as to make maximum use of existing public utilities and sanitary facilities. Where this is not possible, the developer must provide adequate utilities and sanitary facilities to maintain adequate health and safety standards.
- 6. Recreational Campgrounds: Campgrounds shall be designed and constructed in conformance with this section and any applicable State regulations. Campgrounds shall meet the following requirements:

- a. No campground shall have an area of less than ten (10) acres.
- b. Each campsite shall have an area of at least one thousand five hundred (1,500) square feet exclusive of roadways and parking areas, and shall have parking for one (1) automobile in addition to a tent or trailer site.
- c. At a minimum, campgrounds shall provide: back-in parking, central sanitary dump stations, central water facilities, toilets and shower facilities.
- d. No campsite shall be placed closer than one hundred (100) feet to an adjacent property.
- e. No less than twenty percent (20%) of the gross area of the park must be improved for recreational activity of the residents of the campgrounds.

M. Sanitary Landfills: Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection, the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operators of sanitary landfills shall file with the Township written proof that they have met all permit requirements of the State and/or Federal government as they may apply to a specific development.

- 1. A setback of two hundred fifty (250) feet from all public rights-of-way and four hundred (400) feet from all dwellings, platted residential lots, schools, churches, hospitals and similar residential uses.
- 2. To prevent unauthorized access, and windblown debris, a barrier fence at least ten (10) feet in height shall surround the development and setback areas.

On the outside perimeter of the fence, a ten (10) foot wide planting strip shall be maintained at a planting standard of ten (10) coniferous and ten (10) deciduous trees, per one hundred (100) feet. Trees shall be a minimum of six (6) feet tall at planting and replaced within six (6) months of death.

- 3. To further shield surrounding areas from noise and activity, one of the two following buffer yards shall be planted:
 - a. A fifty (50) foot wide buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and twenty-eight (28) coniferous trees per each one hundred (100) lineal feet of buffer yard.

- b. A screening yard of Norway spruces, white spruces, blue spruces, or similar species proven to withstand high-density plantation, planted to the following standards: An initial row of trees to follow a lineal centerline with additional rows planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting.
4. The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the Township will be necessary to secure an additional access route.
5. A bond will be filed with the Township, at an amount deemed necessary by the governing body, to provide for protection of roads which may be used for access to this landfill.
6. The operator shall submit to the Township for approval a plan for the restoration of the landfill area which shall include anticipated future use of the restored land.
7. All such proposed uses shall be on a lot of no less than fifty (50) acres.

N. Telecommunications Towers:

1. Exception to Jurisdiction: Communications towers shall comply with this Ordinance unless they are an applicable accessory structure, clearly incidental to the operation of a transportation business, emergency services provider, or similar entity for the exclusive, non-commercial use of its agents in directly providing such service.
2. The applicant shall demonstrate that it is licensed by the Federal Communications Commission to operate a communications tower, if applicable, and communications antennas.
3. The applicant shall demonstrate that the proposed communications tower and communications antennas proposed to be mounted thereon comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
4. Communication towers shall comply with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and applicable Airport Zoning Regulations. Towers must comply with this Ordinance as a subdivision for lease or land development.
5. Any applicant proposing construction of a new communications tower shall demonstrate that written evidence that a good faith effort has been made to obtain permission to mount the communications antennas on an existing building,

structure or communications tower. A good-faith effort shall require that all owners of potentially suitable structures within a one-quarter (1/4) mile radius of the proposed communications tower site be contacted and that one (1) or more of the following reasons for not selecting such structure apply:

- a. The proposed antennas and related equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished at a reasonable cost.
- b. The proposed antennas and related equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented at a reasonable cost.
- c. Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
- d. Addition of the proposed antennas and related equipment would result in electromagnetic radiation from such structure exceeding applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
- e. A commercially reasonable agreement could not be reached with the owners of the structure.
- f. Access shall be provided to the communications tower and communications equipment building by means of a public street or easement to a public street. The easement shall be a minimum of twenty (20) feet in width and shall be improved to a width of at least ten (10) feet with a dust-free, all-weather surface for its entire length.
- g. A communications tower may be located on a lot occupied by other principal structures and may occupy a leased parcel within a lot meeting the minimum lot size requirements for the applicable zoning ordinance or these regulations.
- h. The applicant shall demonstrate that the proposed height of the communications tower is the minimum height necessary to perform its function.
- i. The maximum height of any communications tower shall be two hundred fifty (250) feet; provided, however, that such height may be increased to no more than three hundred (300) feet, provided the required setbacks from adjoining property lines (not lease lines) are increased by one (1) foot for each one (1) foot of height in excess of two hundred fifty (250) feet.

- j. The foundation and base of any communications tower shall be set back from a property line (not lease line) with any residential use at least one hundred (100) feet and shall be set back from any other property line (not lease line) at least fifty (50) feet.
- k. The base of a communications tower shall be landscaped so as to screen the foundation and base and communications equipment building from abutting properties.
- l. The communications equipment building shall comply with the required yard and height requirements of any applicable zoning ordinance for an accessory structure.
- m. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed communications tower will be designed and constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association.
- n. The applicant shall submit a copy of its current Federal Communications Commission license; the name, address and emergency telephone number for the operator of the communications tower; and a Certificate of Insurance evidencing general liability coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence and property damage coverage in the minimum amount of one million dollars (\$1,000,000) per occurrence covering the communications tower and communications antennas.
- o. All guy wires associated with guyed communication towers shall be clearly marked so as to be visible at all times and shall be located within a fenced enclosure.
- p. The site of a communications tower shall be secured by a fence with a minimum height of eight (8) feet to limit accessibility by the general public.
- q. No signs or lights shall be mounted on a communications tower, except as may be required by the Federal Communications Commission, Federal Aviation Administration or other governmental agency that has jurisdiction.
- r. If a communications tower remains unused for a period of twelve (12) consecutive months, the owner or operator shall dismantle and remove the

communications tower within six (6) months of the expiration of such twelve (12) month period.

- s. A statement that, upon conclusion of the lease or removal of the tower, the land shall revert to the parent tract.
- t. One (1) off-street parking space shall be provided within the fenced area.

O. Mineral Excavation:

1. Mineral excavation shall be considered a land development when it meets the applicable definition of such.
2. Such land developments shall provide Type II screening.
3. Adequate access shall be provided to facilitate safe movement of trucks and other vehicles. There shall be clearly defined truck entrance and parking area, pursuant to the parking and access standards of the Ordinance.
4. Provide a plan to deal with dust and noise abatement.
5. Mineral extraction facilities shall show evidence of compliance with all applicable State or Federal regulatory setbacks. In the absence of such setbacks, they shall observe the following setbacks:
 - a. Five hundred (500) feet from a dwelling not owned by the owner of the facility.
 - b. Five hundred (500) feet from a property line.
 - c. Two hundred (200) feet from a stream.
 - d. Three hundred (300) feet from a well not owned by the owner of the facility.

405 – Screening, Landscaping and Buffering

Screening: Screening shall be required to prevent land use conflict, to encourage the natural management of stormwater runoff, and to prevent spread of wind-born litter and debris. Three types of screening may be mandated per Section 404.

- A. Type I Screening: To consist of a double row of spruce planted at oblique lines to one another so that a continuous screen is provided. The Township may accept other species if it can be shown they will retain a similar screening value when planted in high-density areas. As an alternative to the double row of spruce, the developer shall maintain a fifty (50) foot buffer yard of natural vegetation sufficient for screening. This buffer area shall

not be used for parking or other uses. This buffer yard should maintain natural vegetation unless such vegetation is considered insufficient for shade screening, stormwater management or erosion control. In such case, the planting standards shall be twenty-eight (28) conifer and eight (8) deciduous trees per each one hundred (100) lineal feet of yard area. The developer shall agree that trees shall be a minimum of six (6) feet at planting and replaced within six (6) months of death, for a period of five (5) years.

B. Type II Screening:

1. A fifty (50) foot buffer yard of vegetation sufficient to provide opaque screening during six (6) months of the year. This buffer yard shall maintain the existing natural vegetation unless insufficient for screening or of species generally recognized as inferior for shade, erosion control or screening. If deemed so, the developer shall maintain a planting standard of eight (8) deciduous trees and twenty-eight (28) coniferous trees per each one hundred (100) lineal feet of buffer yard. This buffer yard shall be in addition to any other yard requirements listed.
2. A screening yard of Norway spruce, planted to the following standards: An initial row of trees to follow a lineal centerline with one additional row planted at oblique angles on each side of the centerline row, sufficient to provide complete and constant opaque screening from the time of planting. This screen of plantings shall be situated at the interior edge of the natural vegetation buffer yard and may be included in calculations of required yard areas.

To further provide for the natural management of stormwater runoff, fifty percent (50%) of all hardwood trees of a minimum caliper of four (4) inches, which do not lie in buildable lot footprints or parking areas, shall be preserved.

C. Type III Screening: A Type III screening shall consist of:

1. An opaque fence at least eight (8) feet in height.
2. A barrier fence at least ten (10) feet in height.
3. An earthen berm at least ten (10) feet in height.

On the outside perimeter of the fence or berm, a ten (10) foot plant strip shall be maintained at a planting standard of ten (10) coniferous and ten (10) deciduous trees, per one hundred (100) feet. Trees shall be a minimum of six (6) feet tall at planting and replaced within six (6) months of death.

- D. Off-street parking areas shall maintain a planting strip of at least five (5) feet between all lot lines and the parking lot. Such planting strip shall be suitably landscaped and maintained. At a minimum, such a planting shall consist of one (1) hardwood or coniferous tree per each four (4) parking spaces, or any combination thereof. The balance of the planting strip may be maintained in annual plants, shrubbery or perennial grasses

or similar pervious, mud- and dust-free material. Parking lots of more than twenty thousand (20,000) square feet of impervious surface shall devote an additional eight percent (8%) of total surface area to interior planting strips.

- E. Parking areas in excess of twenty thousand (20,000) square feet shall maintain easements to connect to existing or potential future lots.

406 – Monuments and Markers

The developer shall place permanent reference monuments or markers in all subdivisions. Monuments or markers removed during construction or grading shall be replaced at the expense of the party removing them. Replacement shall be done by a registered surveyor. A wood monument marker approximately three (3) feet high should be placed at property corners to facilitate County addressing and tax mapping.

Monuments: Monuments may be of pre-cast or site-poured concrete or magnetic bars of at least one-half (1/2) inch diameter set into concrete. In either case, monuments shall be set a minimum of thirty-six (36) inches deep and have the top level with finished grade. Monuments shall be scored or marked to indicate the exact crossing of intersecting lines. Monuments shall be placed at all exterior corners of subdivisions except in the case of a minor subdivision.

Markers: Markers shall consist of magnetic metal pipes or bars at least twenty-four (24) inches in length, one-half (1/2) inch in diameter, and shall be set in all new lot corners.

407 – Easements

- A. Easements with a minimum of twenty (20) feet shall be provided as necessary for utilities.
- B. To the fullest extent possible, utility easements shall be centered or adjacent to rear or side lot lines.
- C. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of fifteen (15) feet minimum width in order to preserve natural drainage.
- D. There shall be no building or other private permanent improvement located within an easement.

408 – Sewer Systems

All subdivisions or land developments shall show evidence of an adequate sewer system to serve the needs of the proposed development.

- A. On-Lot Sewage and Water Supply:

1. A DEP sewage planning module or appropriate waiver shall be submitted with the Preliminary Plan. The Township shall request the Sewage Enforcement Officer to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. The Township shall review the findings of DEP and of any other competent registered professional engineer or authority on this matter, and shall make a final determination on the adequacy of the proposed facility. In cases where a subdivision involves an addition of land to an existing lot(s) or new lots without intentions for future building or expansion of residential living quarters (dwelling), a DEP sewage planning module is not necessary, provided a waiver is submitted. A waiver may also be submitted in the case of subdivisions where no lot is less than ten (10) acres, provided such lots are solely for non-building purposes, such as forestry, agriculture or conservation. In this case, non-building language must be placed upon the plat for each such lot.

2. Where evidence indicates that the minimum lot size requirements specified in other sections of these regulations or in any applicable zoning ordinance are not adequate to permit the installation of individual on-lot water supply and/or sewage disposal facilities, the Township shall require that the developer request the local sewage enforcement agency to make such tests as are necessary to determine the adequacy of the proposed facilities in relation to the proposed lot size, existing grade and soil conditions. In all such cases, a certificate by the appropriate official of the local sewage enforcement agency indicating that the proposed facilities or DEP sewage planning module are adequate shall be a pre-requisite to final approval of the plan.

B. Community Sewer Systems:

1. All proposals for new community or public sewer systems shall be approved by the existing operating authority or agency. Proposals for new community sewer systems will be considered where they are consistent with the County Comprehensive Plan or any adopted Township Comprehensive Plan or Act 537 Plan. Evidence of the ability and willingness of the provider to serve shall be presented.

2. For areas within designated future public or community sewer service areas, subdivisions and land developments shall be required to connect to an existing public or community sewer system if public service is available within the following distances:

<u>Size of Development or EDUs</u>	<u>Distance</u>
2-4 Units	150 Feet
5-15 Units	500 Feet
15+ Units	1,000 Feet

3. Connection shall not be required in the following circumstances:
 - a. Inability or lack of capacity of the public system to serve.
 - b. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area if the service area lies at the higher elevation.
 - c. Intervening environmental conditions, which would preclude service including any Agricultural Security Areas.
 - d. Inconsistency of the development with the Township or County land use plan.
4. Capped Sewers: Where the Township has an adopted comprehensive plan or Act 537 Plan for the extension of an existing public sanitary sewer system or construction of a new public sanitary sewer system into an area that is being subdivided, and it is reasonably expected that the area will be served by such public system within a period of five (5) years, capped sewers shall be installed to adequately serve all lots in the proposed subdivision for later connection to the public system.
5. Location of Sewer Lines: Whenever sanitary sewers are provided they shall be located as nearly to the centerline of any street right-of-way as is reasonably possible, and all such sewer lines shall provide service connections to the property line of each and every lot; said service connections shall be properly capped.
6. Type of Sewer System:
 - a. All sewer systems shall be constructed according to the requirements of the Pennsylvania Department of Environmental Protection.
 - b. No combined sanitary and storm sewer systems will be permitted.
7. Manholes: Sanitary and storm sewer manholes will be provided at all changes in grade and direction and in no instance shall the distance between said manholes exceed four hundred (400) feet.
8. Pump Stations: No pump station may be located within one hundred (100) feet of a pre-existing dwelling unit.

409 – Water Systems

All subdivisions and land developments shall show evidence of adequate water systems to serve the needs of the proposed development.

A. On-Lot Water Systems: For major subdivisions and major land developments, a hydrologic study may be required to show adequate uncontaminated subsurface water resources. If there are areas within a one-half (1/2) mile radius of the proposed subdivision with documented water problems, or presence of known sources of contamination or documentation of water problem areas in a local comprehensive plan or water supply plan, such studies shall be required. The developer shall base the density and intensity of development upon the safe yield of water available compared to the proposed water usage.

B. Community Water Systems:

1. All proposals for new community or public water systems shall be approved by the existing operating authority or agency. Evidence of the ability and willingness of the provider to serve shall be presented.
2. For areas within designated future public or community water service areas, subdivisions and land developments shall be required to connect to an existing public or community water system if public service is available within the following distances:

<u>Size of Development or EDUs</u>	<u>Distance</u>
2-4 Units	150 Feet
5-15 Units	500 Feet
15+ Units	1,000 Feet

3. Connection shall not be required in the following circumstances:
 - a. Inability or lack of capacity of the public system to serve.
 - b. Topographic changes of more than fifteen percent (15%) between the proposed development and existing service area if the service area lies at the lower elevation.
 - c. Intervening environmental conditions, which would preclude service including Agricultural Security Areas.
 - d. Inconsistency of the development with the Township or County land use plan.

C. Design Standards for Public Water Systems: Public water systems shall meet the design criteria set forth by the applicable provider. However, in no case shall fire hydrants be placed further than one thousand (1,000) feet from any lot.

1. Capped Water Lines: Where the Township has an adopted comprehensive plan or public water supply plan for the extension of an existing public water system or construction of a new public water system into an area that is being subdivided, and it is reasonably expected that the area will be served by such public system within a period of five (5) years, capped water lines shall be installed to adequately serve all lots in the proposed subdivision for later connection to the public system.

2. Location of Water Lines: Whenever water lines are provided they shall be located as nearly to the centerline of an area between the street, cartway and edge of the right-of-way as is reasonably possible, and all such lines shall provide service connections to the property line of each and every lot; said service connections shall be properly capped.

410 – Design Standards for Streets or Access Lanes

All new streets, whether public or private, or access lanes for land developments, shall meet the following standards:

- A. Private driveways shall be permitted if they serve no more than two (2) lots and accompanied by a deed covenant agreement to prevent further subdivision. Private access lanes shall be permitted for non-single-family dwelling land developments.

- B. Streets for subdivisions serving more than two (2) lots must be dedicated for public ownership and maintenance.

Construction standards must be compliant with Township specifications adopted by resolution and available from the Subdivision Administrator.

1. Street Right-of-Way and Cartway Widths: Street standards shall be based upon the anticipated Average Daily Traffic (ADT), pursuant to standards developed by the Institute of Transportation Engineers (ITE) General Standards are as follows:

Type of Development	Anticipated ADT/Unit
Single-Family Residential	10 per lot
Multiple-Family Residential	8 per lot
General Office Commercial	24 per 1,000 square feet of gross floor area
Shopping/Retail	83 per 1,000 square feet of gross floor area
Restaurants with Drive-Through Lanes	685 per 1,000 square feet of gross floor area
Other Restaurants	97 per 1,000 square feet of gross floor area
Convenience Stores Gasoline Service Stations	756 per 1,000 square feet of gross floor area
General Industrial	7 per 1,000 square feet of gross floor area
General Institutional	79 per 1,000 square feet of gross floor area

The developer may submit additional trip generation data for more specific developments. Street standards shall be based on the following ADT counts:

Street Type	Daily Traffic Volume (ADT)
Local Lane	0-100
Local Road	0-1,000
Collector	1,000+

2. Local lanes shall only be permitted where re-subdivision or future development will not result in additional ADT. The right-of-way width shall be at least fifty (50) feet, and the cartway width shall be at least eighteen (18) feet. If curbing is planned, local road standards shall be used.
3. Local roads shall have a right-of-way width of at least fifty (50) feet, and a minimum cartway width of at least twenty (20) feet without curbs and twenty two (22) feet with curbs.
4. Collector roads shall have at least fifty (50) feet of right-of-way width, twenty-four (24) feet of cartway width without curbs and twenty-eight (28) feet of cartway width with curbing.
5. For development anticipated to generate significant ADT (more than 5,000 ADT), additional right-of-way or cartway width may be required, including right-of-way for marginal access roads or at least forty (40) feet in width.

Street width shall be increased to twenty-eight (28) feet where on-street parking is planned.

6. Arterial and Collector Streets: The above right-of-way and cartway width and paving and design standards shall be increased where recommended by the Township Engineer and approved by the Supervisors. All streets that are State highways shall conform to the applicable requirements of the Pennsylvania Department of Transportation.
7. General Design: Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Township and they shall further conform to such County and State road and highway plans as have been prepared, adopted and/or filed as prescribed by law.

Continuity: The proposed street layout shall provide for the continuation or projection of existing streets in the surrounding area unless the Township deems such extension undesirable for specific reasons of topography or design.

Horizontal Curve: The maximum horizontal curve shall have a centerline radius of one hundred fifty (150) feet on a local street and three hundred (300) feet on a collector or arterial street.

Vertical Curve: Vertical curves shall be required at changes of grade exceeding one percent (1%) and shall be designed in relation to the extent of the grade change and to provide the minimum sight distances listed above.

Minimum Tangent: Whenever street lines are deflected in excess of one (1) degree, connection shall be made by horizontal curves, and a minimum tangent length of fifty (50) feet shall be required between reverse horizontal curves.

Topography: Streets shall be logically related to the topography to produce usable lots and reasonable grades.

Adjacent Access: Proposed streets shall be extended to provide access to adjoining property where necessary.

Sufficiency of Right-Of-Way Width: Adequate street rights-of-way shall be provided as necessary where lots in the proposal are large enough to permit re-subdivision, or if a portion of the tract is not subdivided.

Half Streets: Partial streets or alleys are permitted as secondary access, except where essential to reasonable subdivision of a tract in conformance with the other requirements and standards contained herein and where, in addition, satisfactory assurance for dedication of the remaining part of the street or alley can be secured. Whenever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

Dead-End Streets: Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs to serve residential areas. Cul-de-sacs shall only be permitted where there is no reasonable means of connecting the end of the street as designed to another existing or planned street, or where the original parcel's configuration presents no other alternative. Otherwise, all subdivisions or land developments shall have at least two means of ingress and egress in the interest of public safety, sensible traffic flow and service/maintenance vehicle access. The Township may authorize alternative turning arrangements for dead-end roads providing it is shown the alternatives can accommodate equally safe and convenient turning movements and excess snow storage. However, no fully paved cul-de-sac shall have a radius of less than fifty (50) feet cartway area. If a snow easement or native vegetation is left in an unpaved center, the radius shall be increased to one hundred (100) feet. Under no circumstances shall any dead-end street serve more than a total of twenty-four (24) lots, or exceed one thousand (1,000) feet. The Township may require deed restrictions to prevent further subdivision in dead-end streets with lots more than twice the applicable minimum lot size.

Reserve Strips: New reserve strips, including those controlling access to streets, shall be avoided.

Street Intersections:

Acute Angle Intersections: Streets shall be laid out to intersect as nearly as possible at right angles. No streets shall intersect another at an angle of less than sixty (60) degrees. No street shall intersect with an existing road or street at less than a right angle.

Multiple Intersections: Multiple intersections involving junction of more than two (2) streets shall be prohibited.

Sight Triangle: Clear sight triangles of thirty (30) feet measured along street lot lines from their point of junction shall be provided at all intersections, and no building shall be permitted within such sight triangles.

Off-Set Intersections: Intersections with arterial streets (as defined by the Morris Township Comprehensive Plan) shall be located at least eight hundred (800) feet apart, measured from centerline to centerline. Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum off-set of one hundred fifty (150) feet between their center lines.

Curb Radii: Minimum curb radii at street intersections shall be fifteen (15) feet for intersections involving only minor streets, twenty-five (25) feet for intersections involving other type streets or such greater radius as is suited to the specific intersection. Where proposed roads intersect State highways, the minimum radius shall be forty (40) feet.

Minimum right-of-way radii at street intersections shall be twenty-five (25) feet for all intersections.

Where the grade or any street at the approach to an intersection exceeds seven percent (7%), a leveling area shall be provided having not greater than four percent (4%) grades for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.

Maximum Grade: Maximum grade of streets shall be consistent with the following standards:

- Local Streets – 8%
- Collector Streets – 6%
- Arterial Streets – 4%

411 – Additional Street Standards for Land Developments or Subdivisions That Would Have a Direct Vehicular Access to Route 53

- A. These additional street standards are established to implement the Morris Township Comprehensive Plan by assuring that Route 53 can accommodate traffic smoothly and efficiently.
- B. Minimum front yard setback for all buildings and parking areas from the Route 53 road right-of-way shall be forty (40) feet for single-family residential subdivisions and sixty (60) feet for all other land developments feet unless by specific setback exceptions in this Article.
- C. Setback Exceptions: The following uses may be exception from setback requirements if they meet acceptable performance standards:

Use	Standard
Fencing or Screening	10 feet of front yard setback from right-of-way.
Parking Lots	Thirty five (35) feet Subject to performance standards

- D. Access Roads, Driveways and Local Streets: All lots are limited to one (1) access point or connection to Route 53. Additional access points shall only be permitted where the developer can present a traffic study illustrating how the additional access point meets PennDOT requirements or will objectively be shown to improve traffic flow and safety. All new access roads, driveways or local streets must conform to the performance standards of this Article.
 - 1. Where access roads, driveways and new local streets access a principal road that have another public road, street or parking area for more than ten (10) vehicles on the opposite side of said principal road, the point of access shall be coordinated to directly coincide with the pre-existing access point.
 - 2. New access roads, driveways or local streets shall meet Route 53 at right angles.
 - 3. New access roads, driveways and new local streets shall provide turn lanes based upon anticipated average daily traffic (ADT) consistent with Section 407.

ADT	Turn Lanes Required
Less than 100 Vehicles	None required
100 to 500 Vehicles	One turn lane, based upon principal anticipated flow direction
500+ Vehicles	Turn lanes as warranted by Township Engineer

- 4. Connection Spacing: New access roads, driveways and new local streets shall maximize distance from all previous connections on the same side of a principal road.

5. Corner Clearance: New corner lots created after the effective date of this Ordinance shall provide minimum frontage for the district in which the lot is located on both streets in which the lot fronts. Access drives shall be placed to maintain maximum distance from the intersection. No access drive shall be nearer than one hundred (100) feet from an intersection, and shall be placed on the road with the lowest traffic count.
- E. Parking Lots: Parking lots or parking areas designed for greater than fifty (50) vehicles or of a surface area greater than forty thousand (40,000) square feet which directly accesses Route 53 shall present evidence to the Township that the following standards are maintained:
1. Parking lots may maintain a front yard setback of thirty-five (35) feet from the principal road right-of-way, provided:
 - a. A continuous service drive or cross-access corridor right-of-way shall be reserved.
 - b. An agreement is presented allowing neighboring properties to utilize this cross access or service drive to access principal roads.
 - c. If abutting properties are developed, present a plan for shared access with such properties.
 - d. Parking lots shall maintain a minimum of eight percent (8%) of interior surface area in permeable surfaces to minimize stormwater runoff. Permeable surfaces shall be suitably landscaped to prevent erosion and sedimentation.
 - e. Parking lot frontage shall be curbed or utilize a landscaped buffer at least five (5) feet in width to prevent access to principal roads by any means other than designated access points.

412 – Sidewalks and Curbs

Sidewalks are required whenever any subdivision is within six hundred (600) feet of a public school, and the average lot width of the subdivision is less than one hundred (100) feet.

- A. Sidewalks: The developer shall submit plans, profiles, cross-sections and details for curbs and sidewalks to Morris Township. The developer shall not initiate construction until such plans have been approved by Morris Township and the Morris Township Engineer, including any revisions required by Morris Township and the Morris Township Engineer. Construction of curbs and sidewalks shall be in accordance with plans that have been approved by Morris Township or any bordering jurisdiction. Sidewalks shall be the property of the lot owner or homeowners

B. Street Trees:

1. The coordinated planting of deciduous street trees is required on both sides of the street in all subdivisions where sidewalks are required.
2. Street trees shall be planted within a strip of at least five (5) feet in width between the cartway edge (or curb) and sidewalk.
3. Such trees shall be at least two inches (2") to two-and-one-half inches (2½") in diameter, measured at chest height, when planted, and shall be spaced at intervals not greater than thirty (30) feet along both sides of each street, including arterial roads, but not including rear access lanes or alleys.
4. Street tree species shall be selected according to the following criteria:
 - a. Cast moderate shade to dense shade in summer.
 - b. Long-lived (over 60 years).
 - c. Mature height of at least fifty (50) feet.
 - d. Be tolerant of pollution and direct or reflected heat.
 - e. Require little maintenance, by being mechanically strong (not brittle) and insect- and disease-resistant.
 - f. Be able to survive two (2) years with no irrigation after establishment.
5. Street trees shall be the property of the lot owner or homeowners' association, if any.

C. Curbs:

1. Curbs shall also be required when sidewalks are required
2. Curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depressions shall be in line with sidewalks where provided, in accordance with Federal Americans with Disabilities Act regulations.
3. All curbs shall be of a mountable or "Cap Cod-berm" type, in which the face of the curb angles at approximately 45 degrees between street grade and the top of the curb.

413 – Parking and Access Standards

A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development, based upon standard parking capacity measurements, including number of spaces per anticipated development type. Parking standards shall be tied to the intensity, size and specific use of the proposed land development. The number of off-street parking spaces required is set forth below. Where the use of the premises is not specifically listed, requirements for similar uses shall apply. If no similar uses are mentioned, the parking requirements shall be one (1) space for each two (2) proposed patrons and/or occupants of that structure. Where more than one (1) use exists on a lot, parking regulations for each use must be met, unless it can be shown that peak times will differ.

PARKING REQUIREMENTS

<u>USE OF LAND DEVELOPMENT</u>	<u>REQUIRED PARKING</u>
1. Auto Sales and Service	1 for each 200 square feet GFA
2. Service Stations	1 for each 200 square feet GFA
3. Single-Family Dwelling and Duplex	2.0 per dwelling unit
4. Multi-Family Dwelling	2.5 per dwelling unit
5. Mobile Home Parks	2.0 per each space
6. Hotels and Motels	1 per guest room*
7. Funeral Home and Mortuaries	25 for the first parlor 10 for each additional parlor
8. Hospitals	1 per each bed*
9. Nursing Homes	1 per each 3 beds*
10. Churches	1 per each 4 seats
11. Schools	1 per each teacher and staff 1 for each 4 classrooms plus 1 for each 4 high school students
12. Sports Arenas, Stadiums Theaters, Auditoriums, Assembly Halls	1 per each 3 seats
13. Community Buildings, Social Halls, Dance Halls, Clubs and Lodges	1 space for each 60 square feet of public floor area
14. Roller Rinks	1 space for each 200 square feet GFA
15. Bowling Alleys	5 per alley
16. Banks and Offices	1 for each 250 square feet GFA
17. Medical Office and Clinics	8 spaces per doctor
18. Dental Offices	5 spaces per doctor
19. Retail Stores	1 per each 200 square feet GFA
20. Fast Food/Drive-Thru Restaurants	1 per each 2 patron seats*
21. Furniture Stores	1 per each 400 square feet GFA
22. Food Supermarkets	1 per each 200 square feet GFA
23. Trailer and Monument Sales	1 per each 2,500 square feet of lot area
24. Restaurants, Taverns and Nightclubs	1 for each 2.5 patron seats

PARKING REQUIREMENTS (Continued)

<u>USE OF LAND DEVELOPMENT</u>	<u>REQUIRED PARKING</u>
25. Industrial and Manufacturing Establishments, Warehouses, Wholesale and Truck Terminals	1 space per employee, on the largest shift, plus 1 spare for each 10,000 square feet for visitors
26. Commercial Recreation (not otherwise covered)	1 space for every 3 persons permitted in maximum occupancy

*Plus one (1) space per employee and staff on major shift.

Note: GFA means gross floor area

- A. Size and Access: Each off-street parking space shall have a uniform area of one hundred eighty (180) square feet, being at least ten (10) feet wide and eighteen (18) feet long. These uniform sizes shall be exclusive of access drives or aisles, and shall be in usable shape and condition. Except in the case of single-family dwellings, no parking area shall contain less than three (3) spaces. Parking areas shall be designed to provide sufficient turnaround area so that vehicles are not required to back onto public streets. Where an existing lot does not abut on a public or private street, alley or easement of access, there shall be provided an access drive leading to the parking or storage areas or loading spaces. Such access drive shall be consistent with requirements for private streets. Access to off-street parking areas shall be limited to well-defined locations, and in no case shall there be unrestricted access along a street.
- B. The arrangement of parking spaces and access lanes in a parking lot shall meet the following standards as a minimum:

<u>Angle Of Parking</u>	<u>Width of Space</u>	<u>Length of Space</u>	<u>Width of Lane</u>	<u>Width of Lane Plus Spaces Each Side</u>
90 Degrees	10 Feet	18 Feet	24 Feet	60 Feet
90 Degrees	9 Feet	20 Feet	22 Feet	62 Feet
60 Degrees	10 Feet	20 Feet	18 Feet	58 Feet
60 Degrees	9 Feet	25.5 Feet	18 Feet	59 Feet
45 Degrees	10 Feet	19 Feet	13 Feet	51 Feet
45 Degrees	9 Feet	20 Feet	13 Feet	53 Feet

1. Width of space means the distance between space marking lines measured at right angle to the marking lines.
2. Angles of parking means the angle formed by the edge of the access lane and the space marking lines.
3. Length of parking space means the distance between the front and rear space marking lines measured at right angles to the access lane using the point on the

rear line closest to the access lane and the point on the front line furthest from the access lane.

4. Width of lane means the minimum width of the access lane between the rear lines, or points on the rear line closest to the access lane, of spaces on each side of the access lane.
 5. Parking spaces arranged end to end may be permitted where such spaces abut along the full length of one side an access lane at least twelve (12) feet wide and each space is at least twenty-two (22) feet long.
- C. Parking lots shall be sloped no more than four percent (4%) nor less than one-half of one (0.5) percent. Drainage to a storm control system shall meet the requirements of the Township stormwater control ordinance. Drainage shall not be permitted to flow across neighboring properties if not in a recognized drainage way or easement created to handle stormwater.
- D. Parking lots and access drives leading to them shall be surfaced with a stabilized, dust-free all-weather material placed over at least six (6) inches of well-compacted and choked base course of crushed aggregate.
- E. Where grades at the edge of the parking lot slope downhill, the edge shall be curbed if necessary for stormwater control or provided with stop bars if cars are parked at right angles to the slope. Where grades slope uphill, a drainage swale shall be provided between the edge and the grade.
- F. Stormwater Control: Parking lots greater than forty thousand (40,000) square feet shall meet the following standards for stormwater management:
1. Minimum planting strips of ten (10) feet between the parking lot and all lot lines to be planted with one (1) hardwood or coniferous tree per each four (4) parking spaces or combination thereof. Trees that die shall be replaced annually. At time of planting, trees shall be a minimum of six (6) feet in height and of species recognized as hardy for urban use. Eight percent (8%) of the total interior space shall be devoted to interior planting strips to be maintained in trees, shrubbery, annual plants or similar pervious dust- and mud-free material. Curbing shall be designed to promote the flow of runoff into planted areas.
 2. A stormwater management plan meeting the requirements of the Pennsylvania Stormwater Management Act and any local stormwater management ordinance or standards shall be submitted and implemented.

414 – Utilities

Gas, electric, telephone, cable/fiber optic utilities shall be located in subdivisions in accordance with utility company practice and in accordance with agreements with, or as approved by Morris

Township. All buried utilities must be installed prior to the road sub-base construction. All buried utilities located within the roadway must be backfilled with the same material and compaction requirements as specified for storm or sanitary sewer backfill within roadways.

415 – Stormwater Management Facilities/Erosion Control

A. General Criteria:

1. The Stormwater Management Plan must consider all the stormwater runoff flowing over the project site.
2. All stormwater runoff detention controls shall be designed by a person qualified and/or experienced in the design of such structures.
3. Stormwater roof drains and pipes shall discharge water into cisterns or French drains (where soils are suitable), sheet drains or other stormwater runoff dispersion and absorption control devices and not into storm sewers unless recommended in the watershed stormwater plan.
4. No discharge of toxic materials into any stormwater management system is permitted.
5. Flow velocities from any storm drain may not result in a deflection of the receiving channel.
6. Method of Computation: Peak discharge and runoff shall be computed using the soil-cover complex method as set forth in the latest edition of *Urban Hydrology for Small Watershed*, Technical Release No. 55 as published by SCS.
7. Design Storms: The 2-, 10-, and 100-year design storm frequencies shall be used for analyzing stormwater runoff in predevelopment and post-development conditions as well as for designing runoff control facilities in the watershed. The SCS 24-hour, Type II rainfall distribution shall be used for all analyses. The design storm along with the 24-hour total rainfall for these storm frequencies for the watershed are:

<u>Design Storm</u>	<u>Rainfall Depth in Inches</u>
2-year	2.60
10-year	3.90
100-year	5.50

8. Maintenance of Natural Drainage Ways: All natural streams, channels, swales, drainage systems and/or areas of surface water concentration shall be maintained in their existing conditions unless an alteration is approved by the Planning Commission. All encroachment activities shall comply with the requirements of

Chapter 105 (Water Obstructions and Encroachments) of Title 25, Rules and Regulations of the Pennsylvania DEP.

9. Methods of Stormwater Runoff Detention and Control: The following is a listing of detention and control methods which may be utilized in stormwater management systems, if appropriate. The choice of control techniques is not limited to the ones appearing on this list:
- a. Detention basins
 - b. Roof-top storage
 - c. Parking lot and street ponding
 - d. Seepage pits, seepage trenches or other infiltration structures
 - e. Porous pavement and concrete lattice block surfaces
 - f. Grassed channels and vegetated strips
 - g. Cisterns and underground reservoirs
 - h. Routed flow over grass
 - i. Decreased impervious area coverage

The use of other control methods which meet the criteria in this section will be permitted when approved by the Township. Various combinations of methods shall be tailored to suit the particular requirements of the type of development and the topographic features of the project area.

10. The following provisions shall be considered the overriding performance standards against which all proposed stormwater control measures shall be evaluated.
- a. Stormwater Rate:
 - (1) Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:
 - (a) To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities.
 - (b) To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
11. The stormwater management plan for the development site must consider stormwater runoff flowing across the site from up-gradient areas as well as the runoff originating from the site itself.

12. Stormwater management plans are to be submitted and approved for all off-site borrow pits and waste pits associated with all subdivisions and land developments.

416 – Street Naming and Addressing

Street names shall be proposed for each new street. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of the Clearfield County Department of Planning and the Clearfield County Emergency Management Agency, and shall comply with all Clearfield County street naming and addressing ordinances and policy.

417 – Signs

The developer shall install traffic control and street signs in conformance with this section.

- A. Design and placement of traffic signs shall follow the requirements specified in the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U. S. Department of Transportation.
- B. Street name signs shall be placed at each intersection. The design of street name signs should be consistent, of a style appropriate to the Township, of a uniform size and color, and erected in accordance with Township standards.
- C. Parking regulation signs shall be placed along roadways within the right-of-way in areas that restrict parking.
- D. Site information signs in residential developments shall follow a design theme related and complementary to other elements of the overall site design.
- E. Freestanding Signs:
 2. The Board of Supervisors may, at its option, order any freestanding sign erected on or after the date of adoption of this Ordinance removed, moved or altered, if in the Board's opinion, the sign creates dangerous conditions by reducing safe sight distances for motorists entering or leaving the highway, or creates distractions or confusion for motorists on the highway. Signs with flashing lights, or signs on the road that interfere with visibility of traffic control devices may be subject to this regulation.
 3. One freestanding sign shall be permitted on any property or any group of properties developed as an integrated plan except that where a property or group abuts two (2) or more roads or highways, two (2) such signs shall be permitted, no more than one abutting the same road or highway. Signs shall be placed between the building or buildings on the property and abutting roads or highways but shall not extend into a public right-of-way.

4. Sign supports, and the signs themselves, if the bottom edge is less than eight (8) feet off the ground, shall be set back at least ten (10) feet from the edge of a road or highway pavement. Location of signs or supports may be adjusted by the Township inspector to assure adequate sight distances for motorists.
5. The total sign area shall be not more than the following:

<u>Gross Square Foot Area of Building Area</u>	<u>Maximum Sign Area</u>
Less than 10,000 Square Feet	150 Square Feet
10,001 to 50,000 Square Feet	200 Square Feet
50,001 to 100,000 Square Feet	250 Square Feet
100,001 to 150,000 Square Feet	300 Square Feet
150,001 to 200,000 Square Feet	350 Square Feet
200,001 to 250,000 Square Feet	400 Square Feet
250,001 Square Feet and Greater	450 Square Feet

5. The sign area shall be the vertical height times the horizontal width of the signboard, including borders around the sign edges. For irregularly shaped signs, the actual area within and including borders shall be computed. The sign areas shown above are each side of a two-sided signboard. For signs with more than two (2) sides, the total area of all sides shall be not more than twice the area in the above table. Sign supports shall not be included in computing the sign area if they carry no advertising.
6. Each freestanding development, whether leased or sold out parcels within a plan containing a major commercial building, shall be entitled to one (1) freestanding sign not larger than sixty-four (64) square feet, except that the plan developer, at his discretion, may trade a part of the sign square footage to which he is entitled for the major commercial development to one (1) or more out parcel developments in his plan to increase the total area of their signs by the same number of square feet as the main development is reduced in area. An out parcel shall be considered any leased or sold property within the boundaries of a commercial development plan, whether created at the time the initial plan is approved or later, and intended to receive a freestanding development.
7. In lieu of a freestanding sign on an out parcel, the developer of the out parcel may opt for a monument sign, whose area shall not exceed one hundred (100) square feet on each side. A monument sign shall be considered one whose lower horizontal edge is attached directly along its length to a solid foundation extending into the ground. The top of such sign shall be not more than eight (8) feet above-ground level at any point or an average of eight (8) feet if the ground is sloping. A monument sign shall be so located on its lot that vehicle driver sight distances are not impeded.

No freestanding sign shall exceed an average height of thirty-five (35) feet from ground level below to the top of the sign.

Article 5 – Improvements Guarantees

501 – Guarantee of Improvements Installation Required

- A. Before approving any subdivision or land development plan for recording, the Board of Supervisors shall require that the Township be assured by means of a proper development agreement and performance guarantee that the improvements required by this Ordinance and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Ordinance, unless:
1. A developer chooses to install all required improvements prior to construction of any building; in place of using performance guarantees, in which case, the Township shall, as deemed necessary, require the developer to have adequate insurance, hold harmless agreements, an escrow account to cover the costs of inspections and a professional estimate of the costs of the improvements (to be used to establish the amount of the inspections escrow).
- B. Purpose of Security: The security required by this Article shall stand as security for compliance with all Township ordinances, other laws, covenants, stipulations, conditions and rules applicable to the subdivision or land development for which it is filed.
- C. No construction of buildings or paving or sales of any individual lot or condominium unit within a subdivision or land development shall take place in any subdivision unless: a) there is on file, with the Township, current duly executed and approved security, or b) all rough grading is complete and all required public improvements, utilities, streets, drainage facilities, sewers and street lights have been completed and accepted by the Board of Supervisors.

502 – Improvements to be Provided by the Applicant

- A. In all cases, the subdivider or land developer shall be responsible for the installation of all improvements required by this Ordinance.
- B. The Township Engineer or other designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Ordinance. The reasonable costs of such inspection shall be borne by the subdivider or land developer, making use of an escrow account.

503 – Development Agreement

- A. Development Agreement Required:
1. All applicants proposing any subdivision or land development which provides for the installation of improvements required by this Ordinance or any improvements or amenities which appear on the final plan shall be required to enter into a legally binding development agreement with the Township prior to recording of the final

plan, unless the applicant agrees to meet Section 601 concerning the construction of all improvements prior to the construction, of any buildings or the sale of any lots or home sites.

2. The development agreement shall guarantee the installation of said improvements in strict accordance with all Township requirements.
3. The final plan shall not be approved for recording by the Township prior to the execution of this agreement and the delivery of the performance guarantee.

B. Terms of Development Agreement: The development agreement shall be acceptable in legal form to the Township Solicitor and shall be acceptable in content to the Board of Township Supervisors. The Township may require that a development agreement include any of the following items, where applicable, and such additional items as are necessary to carry out this Ordinance:

1. The construction depicted on the approved plans, listed in itemized format, including all approved streets, drainage facilities, utility lines and other improvements.
2. A work schedule setting forth the beginning and ending dates of such work tied to the construction of the development and provisions to allow proper inspection by the Township Engineer.
3. The provision of a performance guarantee for completion of required improvements in compliance with Section 604, including a detailed breakdown of the estimated costs of the improvements, including the total amount of the performance guarantee.
4. Provisions concerning the developer's responsibilities for damage to other property, including maintenance by the developer of public liability insurance for the duration of improvements construction, with a hold harmless clause to protect the Township from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the Township prior to such work.
5. Provisions concerning measures to prevent erosion, sedimentation and water damage to the subject and adjacent properties.
6. Provisions for the dedication of streets, water and sewer lines and any other easements or improvements approved to be dedicated.
7. See Section 204 concerning the requirement for a "final" plan.
8. Provisions for the developer to reimburse the Township for all reasonable engineering costs directly related to the review, construction and inspection of the

proposed development and to the review and preparation of the development agreement.

9. Provisions concerning any violations of the development agreement.
10. Any other lawful terms that the Township may require to carry out the provisions of this Ordinance.
11. Signatures: The development agreement shall be signed by all responsible landowners and/or developers.

C. Ownership of Land and Guarantee:

1. A certificate of ownership shall be executed in the exact name in which title is held. If the developer(s) of subdivision is someone other than the landowner(s) of the subdivision, the developer shall also execute its affidavit, along with a security agreement.
2. Change in Ownership or Developer: Any conveyance of all or a substantial portion of the unimproved lots or public improvements or streets of any subdivision or change in developers, whether voluntary or by action of law or otherwise, shall require the prior approval of the Township. In giving or denying said approval, the Township shall require that such new landowner and/or developer fully assume all applicable responsibilities under the development agreement and post all the appropriate security agreements.

D. Utility Agreements: If a development will connect into a public water or public sanitary sewage system, the applicable authority, agency or company may also require separate development agreements.

504 – Performance Guarantee: The performance guarantee for completion of required improvements shall meet the following requirements:

A. Security:

1. The guarantee shall be secured by the credit of any of the following:
 - a. An irrevocable and unconditional letter of credit of a Federal or State chartered lending institution,
 - b. A restrictive or escrow account in a Federal or State-chartered lending institution, or
 - c. Such other financial security approved by the Township Board of Supervisors (which approval shall not be unreasonably withheld), but not including a second or third mortgage on the unimproved lands.

2. Such approved security shall provide for, and secure to the public, the completion of any improvements which may be required within one (1) year of the date fixed in the Development Schedule (see Section 604.F.) for the completion of such improvements.
3. Such financial security shall be posted with a Federally issued or State-chartered lending institution chosen by the party posting the financial security, or such other approved entity, provided such institution or entity is authorized to conduct such business within the State.
 - a. The Board of Township Supervisors may require that evidence be provided that such institution or entity has sufficient, adequate and secure assets to cover the security.
 - b. The Township shall be the authorized signatory on any account in which the escrow funds are held.

B. Amount:

1. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer in the official development schedule (see Section 604.G.), and within the process for increases to cover inflation as permitted by the Pennsylvania Municipalities Planning Code.
2. The cost of the improvements shall be established by an estimate prepared by a Pennsylvania registered professional engineer, which shall be reviewed by the Township Engineer, within the arbitration process permitted by the Pennsylvania Municipalities Planning Code.
3. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional ten percent (10%) or each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.
4. Inspection Fees: The amount of financial security shall also include an additional five percent (5%) of the estimated cost of completion of the work to guarantee payment of inspection fees and related engineering costs.

- C. Multi-Year or Multi-Stage Development: In the case where development is projected over a period of years, the Township may authorize submission of final plans by phases/stage of development subject to such requirements or improvement guarantees concerning future improvements as it finds necessary for the proper functioning of each phase and for the eventual development as a whole.

505 – Approval of Improvements

- A. In General: As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release, from time to time, portions of the financial security necessary for payment to the contractors performing the work.
- B. Notice by Developer of Work on Improvements: The developer or his/her representative should provide a minimum of three (3) days' notice to the Township Engineer prior to beginning each major facet of construction, in order to allow the scheduling of inspections.
- C. Engineer's Report:
1. Within thirty (30) days of the receipt of such request, the Township Engineer shall submit a written report certifying which improvements have been completed in accordance with the approved plan to the Township and mail a copy of such, by certified or registered mail, to the developer or his/her representative at his/her last known address.
 2. This report shall be based on the inspections made according to the approved inspection schedule included in the development agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
 3. If the Township Engineer finds any or all of the improvements to be not as required, he/she shall include a statement of the reasons for recommending their rejection in the report.
- D. Decision by the Board of Supervisors:
1. At its first regularly scheduled meeting after receiving the Township Engineer's report [but not later than forty-five (45) days of the receipt of the request] the Board of Supervisors shall review the Township Engineer's report and shall authorize release of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed.
 2. The Board of Supervisors shall be deemed to have approved the release of funds as requested if they fail to act within forty-five (45) days of receipt of the developer's request.

3. Until final release (completion of all improvements), the Township may require retention of a maximum of ten percent (10%) of the cost of each completed improvement.
 4. The Township Supervisors shall notify the developer in writing by certified or registered mail of the decision.
- E. Completion of Unapproved Improvements: The developer shall proceed to complete any improvements not approved by the Board of Township Supervisors and, upon completion, request approval in conformance with the procedures specified in Section 505.
- F. Final Release:
1. When the developer has completed all of the necessary and appropriate improvements, the developer shall request final release in conformance with the procedures specified in Section 505. See time limitations and procedures in Section 510 of the Municipalities Planning Code.
 2. Such final release shall include all monies retained under Section 505.D.3.
- G. Appeal. Nothing herein, however, shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the Board of Township Supervisors or the Township Engineer.

506 – Remedies to Effect Completion of Improvements

- A. Enforcement of Security:
1. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, or in the event of the bankruptcy of the owner or developer, the Board of Township Supervisors is hereby granted the power to elect to enforce any security posted under this Ordinance by appropriate legal and equitable remedies.
 - a. This may include taking all actions necessary to obtain monies under said security, including, but not limited to, seizure of undeveloped lots, seizure of escrow funds, revocation of building permits and prosecution under this Ordinance.
 2. Rate of Construction: Failure of a developer to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Ordinance and a cause for default of the security.

- B. Completion by Township: If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Township Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.
- C. Proceeds for Installation of Improvements: The proceeds from use of the security and/or from any legal or equitable action brought against the developer shall be used solely for the installation of the improvements covered by such security.

507 – Maintenance Guarantee

- A. Maintenance Guarantee Required: All applicants proposing any subdivision or land development which provides for the dedication of improvements required by this Ordinance shall be required to provide a legally binding maintenance guarantee to the Township prior to acceptance of dedication of the improvements by the Township. In most cases, this guarantee will be part of the security agreement.
- B. Terms of Maintenance Guarantee: The maintenance guarantee shall be acceptable in legal form to the Township Solicitor and in content to the Township, and shall include all of the following:
 - 1. That the applicant make any repair or reconstruction of any improvement stipulated in the maintenance agreement which is specified by the Township if needed because of faulty construction, workmanship or materials, prior to acceptance of such improvement by the Township;
 - 2. That the applicant maintain at his/her own cost all improvements stipulated in the maintenance agreement, up to a maximum period of eighteen (18) months from the date of completion, except for any special purpose escrow or maintenance agreements required by the Township;
 - 3. That the applicant post financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a maximum term of eighteen (18) months from the date of completion; and
 - 4. That the developer plows snow and maintains all streets until such time as the Township may accept such streets.
- C. Type of Security: The maintenance guarantee shall be secured by the same form of security as is permitted for the improvements guarantees.
- D. Terms: Such maintenance guarantee shall be in the form approved by the Township Solicitor and the Supervisors, payable to the Township, to guarantee the maintenance and repair of the streets and other public improvements in the subdivision or land

development for eighteen (18) months from the date of completion. The applicant shall prove to the satisfaction of the Supervisors that there will be an acceptable system for the long-term maintenance of any stormwater detention basins.

- E. Amount: The amount of the maintenance guarantee shall be determined by the applicant's engineer, conditioned upon acceptance by the Supervisors, but shall not exceed fifteen percent (15%) of the actual cost of installation of such improvements.
- F. Release: After a maximum of eighteen (18) months from the date of completion of said improvements, the Township shall release the maintenance guarantee to the developer (or party that posted the guarantee) if all improvements are in satisfactory condition, as determined by the Township.

Article 6 – Administration, Amendment and Modification

600 – Amendments

The Township of Morris of the County of Clearfield may from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

601 – Filing Fees and Review

The filing fee for subdivision plans shall be established by the Township of Morris. Such filing fees shall include those for land development and may be separate for various alternative forms of land development. Review fees shall include the review of subdivision plans, mobile homes park plans and land development site plans. Review fees may also include the field inspection of such plans, plans or site plans or their final inspection. Review fees for major subdivisions shall include any engineering fees billed to the Township by the Morris Township Engineers. The fees charged shall be in accordance with Sections 503(1), 509 and 510 of the Pennsylvania Municipalities Planning Code.

602 – Records

The Township of Morris shall maintain an accurate public record of all plans upon which it takes action and of its findings, decision and recommendations in relation thereto.

603 – Preventive Remedies

- A. In addition to other remedies, the Township of Morris 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.
- B. The Township of Morris may refuse to issue any permit or grant any approval necessary to further improve or develop or utilize any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

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

604 – Enforcement Remedies

- A. Any person, partnership or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance enacted under the Pennsylvania Municipalities Planning Code or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township of Morris, pay a judgment of not more than five hundred dollars (\$500.00) per violation, plus all court costs, including reasonable attorney fees incurred by the Township of Morris as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township of Morris 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 a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Court of Commons 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.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township of Morris the right to commence any action for enforcement pursuant to this section.

605 – Modification of Regulations

- A. The Township may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact 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 this Ordinance is observed.

- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- C. The Township shall keep a written record of all actions on all requests for modification.
- D. The Township may approve, or deny the request for modification. If the Board of Supervisors approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief. Requests for modifications shall be reviewed by the Morris Township Planning Commission.

606 – Conflict

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of Morris Township, the highest or most restrictive standards shall govern.

607 – Failure to Complete Improvements

In the event that any improvements that may be required have not been installed as provided in this Ordinance or in accord with the approved final plan, the Township shall enforce any corporate bond or other security by appropriate legal and equitable remedies. If the 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 Township may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal and equitable action to recover the monies 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.

608 – Appeals

The decision of the Township Board of Supervisors with respect to the approval or disapproval of plans may be appealed directly to the Court of Common Pleas of Clearfield County not later than thirty (30) days after issuance of notice of the decision or report of the Township.

609 – Interpretation

In the interpretation and the application of the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and general

welfare. Standards applying to commercial and industrial subdivisions shall be subject to individual review and determination in each case.

610 – Validity

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

611 – Conflict

All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

612 – Effective Date

This Ordinance shall be effective five (5) days from the date of its adoption.

613 – Procedure for Applying for Modifications

A. Application to be Submitted in Writing:

Applications for modifications shall be submitted in writing by the developer at the time the preliminary plan is filed with the Township. The application shall state fully the grounds and all the facts relied upon by the applicant.

614 – Recording of Modification

In granting a modification, the Township shall record its actions and the grounds for granting the modification in its minutes. A statement showing the date that such modification was granted shall be affixed to the final plan.

Article 7 – Definitions

700 – General Interpretations

Unless otherwise expressly stated, the following terms shall, for the purposes of this Ordinance, have the meaning indicated: words in the singular include the plural, and the words in the plural include the singular. The word “person” includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words “shall” and “will” are mandatory; the word “may” is permissive. An “agency” shall be construed to include its successors or assigns. Words not defined in this Article or the Pennsylvania Municipalities Planning Code (MPC) shall have the common meaning given to them.

701 – Meaning of Words

Accessory Building: A subordinate building, incidental to, and located on the same lot as the principal building. Such buildings are utilized for purposes subordinate to and incidental to the principal building’s use.

Agricultural Purposes: Any agricultural use, including farming, dairying, pasturage, horticulture, aquiculture, floriculture, viticulture, capriculture, animal and poultry husbandry and forestry, including the harvesting of timber.

Alley: A passage of way open to public travel, which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns. (MPC)

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. (MPC)

Approval Body: The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as may be designed in the law providing for the form of government. In Morris Township, the approval body is the board of supervisors. (Def. amended December 14, 1992, P.L. 815, No. 131) (MPC)

Block: A parcel of land bounded by streets, railroad rights-of-way, waterways, parks, un-subdivided acreage or a combination thereof.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.

Building Line: An imaginary line located a fixed distance from the front line (yard line) of the lot and interpreted as being the nearest point that a building may be constructed to the front lot line (see Yard, Front). The building line shall limit the location of porches, patios and similar construction, steps excepted, to the face of this line. Said line is a specified distance from, and generally parallel to, the street right-of-way or abutting lot lines.

Cartway: The improved surface of a street or alley designed for vehicular traffic. Does not include shoulders or surface outside the gutter line.

Clear Sight Triangle: A triangular area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street centerlines.

Condominium: A building, or group of buildings, in which dwelling units, offices or floor areas are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis or by a separate managing entity.

Conversion - A change in the use of land or a structure.

Cul-De-Sac: A street open to traffic at one end and terminating at the other in a vehicular turn-around.

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

Department of Environmental Protection (DEP): The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it.

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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

Development: Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, storm sewers, drains, improvements to water courses, sidewalks, street signs, crosswalks, shade trees, seeding, monuments or other property markers, water supply facilities, and sewage facilities; filling, grading, excavation, mining, dredging, or drilling operations, in the subdivision of land, when conducted within the context of subdivision or land development activities, as defined by the Pennsylvania Municipalities Planning Code.

Development Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development

plan," when used in this Ordinance, shall mean the written and graphic materials referred to in this definition.

Drainage: The removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage Facility: Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

Drainage Easement: The lands required for the installation of stormwater sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement: A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage. There shall be no structures on any easements granted to Morris Township and to any officially created municipal authority.

Eating and Drinking Places: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

Environmentally Sensitive Areas: Environmentally sensitive areas shall include areas with slopes of over twenty-four percent (24%), floodway areas, floodplain, floodways and wetland areas. This determination shall be made based on information available from submitted subdivision plans, topographic maps, soils reports, the Clearfield County Comprehensive Plan, Clearfield County Conservation District, United States Geologic Survey, the Pennsylvania Department of Environmental Protection or other sources.

Erosion: The displacement of surface materials by the action of natural elements.

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for stormwater, drainage, erosion and sediment controls, and which is in accordance with this Ordinance.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Fill: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

Flood:

- A. Flood Prone Area: A relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation or any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- B. Floodway: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.
- C. One Hundred (100) Year Flood: A flood having an average frequency of occurrence on the order of once in every one hundred (100) years, although the flood may occur in any year.
- D. Regulatory Flood Elevation: The one hundred (100) year elevation based upon the information contained in the Official Flood Insurance Study, as prepared by the Federal Insurance Administration.

General Institutional: Land uses or land developments which provide social, medical or religious services to a community, but which do not include housing or overnight accommodations to persons or patients. Examples of general institutional uses include social halls, churches and community centers. Institutional uses which involve transitional housing, group quarters or overnight accommodation of persons shall be regarded by this Ordinance as industrial or commercial land developments, due to the typical size of facilities and greater complexity of planning issues. Examples of this more complex type of use include correctional facilities and inpatient hospitals. However, nothing in this definition should be construed to prevent the use of single-family dwellings for permanent family-like living arrangements for handicapped persons, which are not subject to this Ordinance.

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by materials, grades, contours and topography.

Gross Floor Area: The sum of the gross horizontal areas of a building or structure (excluding vehicular parking lots) from the exterior face of exterior walls or from the centerline of a wall separating two buildings, expressed in square feet.

Improvements: Those physical changes to the land, including, but not limited to grading, paving, conversion of land use, curbs, gutters, storm sewers and drains, improvements to existing watercourses, provision of sidewalks, crosswalks, roads and streets street signs, monuments, parking lots, water supply facilities and sewage disposal facilities.

Industry, Heavy: The manufacture, storage, processing and treatment of materials which are potentially hazardous, or processes which produce significant amounts of smoke, noise, glare, or dust or odor as a primary or secondary effect of the principal use of the land or buildings. Heavy industries include, but are not limited to, foundries, blast furnaces, rolling, or stamping mills, smelting or ore facilities and similar primary metal processes; petroleum, gas or natural gas distillation or bulk storage facilities; power plants for the production of electricity (whether by wind, natural gas, coal, other combustibles or co-generation); storage facilities for manufacture explosives, acid and fertilizer; manufacturing processes involving hides or offal; cement manufacturing facilities; washing and gravel separation; lime manufacturing, chemical treatment of wood or production of fiberboard, or plywood; excavation of coal or non-coal minerals and similar uses.

Industry, Light: Manufacturing in which there are no significant impacts from noise, dust or odor, and impacts are limited to secondary effects related to vehicular traffic, incidental noise, movement of materials. Light industries include, but are not limited to, food processing; wood products manufacturing (without chemical treatment); production of machine tools and similar metalworking; manufacturing of plastic products; laboratories, testing and research facilities; printing; pharmaceuticals production, and similar facilities for assembling and fabricating.

Land Development: Any of the following activities:

- A. The improvements of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
 - 3. See also Article I and Article V of the Pennsylvania Municipalities Planning Code.
- B. A subdivision of land.
- C. For the purposes of this Ordinance, land development does not include development which involves:
 - 1. The conversion of an existing single-family, detached dwelling or single-family, semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.

2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

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

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

Lot, Area of: The total horizontal ground area of a lot expressed in acres or square feet and computed exclusive of any portion of the right-of-way of any public or private thoroughfare, street, road, alley or easement of access of use; but including any easement for essential service.

Lot, Corner: A lot at the junction of and fronting on two or more intersecting street rights-of-way.

Lot Coverage: A measure of intensity of land use that represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking areas, driveways, roads, sidewalks, and any area of concrete asphalt, or similar impervious material.

Lot, Double Frontage: A lot which abuts streets in both the front, rear and/or side yards.

Lot, Flag: A lot which has only a narrow portion connecting a larger area to a street.

Lot, Non-Conforming: A lot the area or dimension of which was lawful prior to the adoption or amendment of subdivision regulations, but which fails to conform to the requirements of the governing ordinance in which it is located by reasons of such adoption or amendment.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

Lot, Width of: A mean horizontal distance between the side lot lines measured at its widest and narrowest points.

Maintenance Guarantee: Any financial security, acceptable under Article V of the Pennsylvania Municipalities Planning Code, which may be accepted by Morris Township for the maintenance of any improvements required by this Ordinance.

Major Subdivision: Any subdivision not classified as a minor subdivision.

Marker: A metal stake pin placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

Mineral Extraction: The excavation or extraction of any earth products of natural mineral deposit, except where such excavation is for purposes of grading a building lot or roadway or where materials are excavated from and used solely by the property owner.

Minor Land Development: Land development which meets applicable standards for a minor subdivision, does not involve a development earth disturbance of more than one (1) acre; it does not involve a building of greater than twenty thousand (20,000) square feet gross floor area or in excess of two (2) stories in height; and it does not meet the definition of a mobile home park, heavy industry, recreational development or mineral excavation operation. Minor land developments may combine preliminary and final plans.

Minor Subdivision. A subdivision containing ten (10) lots or less and where:

- A. The lots front on existing public roads which are maintained by the Township or state governments, and there is no new road proposed, and
- B. There are no extensions of existing sanitary sewers, stormwater sewers, or water system lines, and
- C. There is no land area reserved or dedicated to the public, and
- D. There is no construction of other public improvements necessary or contemplated.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two (2) 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. (The term does not include recreational vehicles or travel trailers.) (MPC)

Mobile Home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. (MPC)

Mobile Home Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Modification: When a developer can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to, and where because of topographic or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent of such provisions, the Planning Commission may recommend and the Township Board of Supervisors may authorize a modification. Any modification thus authorized and the reasoning on which departure was justified shall be entered on the minutes of the

Township Board of Supervisors. A modification applies only to the particular subdivision for which it is granted.

Monument: A concrete, stone or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

Motel - A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. The definition includes hotels, motor lodges and similar uses.

Mountable Curb (“Cape Code Berm”): A low curb with an obtuse slope designed for vehicular crossing without discomfort or damage.

Person: An individual, partnership, corporation, or other legally recognized entity.

Plan, Final: A complete and exact subdivision plan, mobile home park or site plan prepared for official recording as required by statute and this Ordinance.

Plan, Preliminary: The preliminary drawing indicating the proposed layout of the subdivision, mobile home park or site plan to be submitted to Morris Township for consideration, as required by this Ordinance.

Plan, Sketch: An informal plan indicating salient existing features of a parcel or development and its surroundings and general layout of the proposed subdivision.

Plan, Soil Erosion and Sedimentation Control: A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization and surface treatment.

Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and such other amendments to same as may be adopted from time to time.

Planning Commission: The Planning Commission of Morris Township, Clearfield County, Pennsylvania.

Plat: The map or plan of a subdivision or land development, whether preliminary or final.

Public Grounds: Includes:

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

C. Publicly owned or operated scenic and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by Morris Township or the Morris Township Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code. (MPC, as amended for local usage.)

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

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

Recreational Development: A subdivision or land development designed to provide camping, temporary parking for recreational vehicles or other active recreational facilities. Examples of such facilities include campgrounds, resorts, swimming pools, golf courses and similar facilities.

Recreational Vehicle: A vehicle primarily designed as temporary living quarters for recreation, camping or travel, whether self-powered or towed. Examples of recreational vehicles include travel trailer, camping trailer, truck camper and motor home.

Replat: Replats involve the transfer of land between adjacent lots where no new building lot is created. No replat may create a lot in violation of this Ordinance or of any adopted zoning ordinance. Replats will be considered as minor subdivisions.

Reserve Strip: A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Reverse Frontage Lot: A lot extending between, and having frontage on an arterial street and a minor street, and with vehicular access solely from the latter.

Right-of-Way: Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

Riparian Buffer: A vegetated strip of land bordering a stream, which provides filtration of soil, sediments and other pollutants.

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

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

Sewage System, Community: A system, whether publicly or privately owned, for the collection of sewage or industrial wastes of a liquid nature from two (2) or more lots and for the treatment or disposal of the sewage or industrial waste on one (1) or more of the lots or at any other site.

Sewage System, Individual: A system of piping, tanks or other facilities serving a single lot and collecting, treating and disposing of domestic sewage into the soil or into waters of this Commonwealth or by means of conveyance to another site for formal disposal.

Sight Distance: The extent of unobstructed vision, in a horizontal or vertical plane, along a street.

Slope: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical differences in feet per one (100) feet of horizontal distance.

Street: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private. (MPC) Particular types of streets are further defined as follows:

- A. Arterial: This class of highway facility is devoted primarily to the task of moving large volumes of comparatively high speed and long-distance traffic and performs little or no land service function. Arterial highways are defined by the Pennsylvania Department of Transportation Functional Classification Map or shall be by traffic volume, consistent with Institute of Transportation Engineers Standard.
- B. Collector: This class of road serves the internal traffic movement within the Township and connects developed areas with the arterial system. The collector system is intended to simultaneously supply abutting property with the same degree of land service as a local street and accommodate local internal traffic movements. Collector highways are defined by the Pennsylvania Department of Transportation Functional Classification Map or shall be by traffic volume, consistent with Institute of Transportation Engineers Standards.
- C. Local: The local street's sole function is to provide access to abutting land.

Street Centerline: An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. (MPC)

Subdivision: 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 lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or

devises, 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. (MPC)

Subdivision - Replat: The change of a lot line between two abutting existing parcels which does not create a new parcel and where such lot line change is in full compliance with this Ordinance and related ordinances, rules and regulations of the Township. A replat shall be treated as a minor subdivision.

Substantially Completed: Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use. (MPC)

Surveyor: A professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land characterized as a depression used to carry surface water runoff.

Temporary Turnaround: A temporary circular turnaround at the end of a road, which terminates at or near the subdivision boundary bordering undeveloped land.

Top Soil: Surface soils and subsurface soils, which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.

Township Authority: A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipalities Authority Act of 1945." (MPC)

Township Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a township, planning agency or joint planning commission. (MPC)

Truck Terminal - land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another, or services of trucks, sale of fuel and accessory uses. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks.

Undeveloped Land: Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

Utility Plan: A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, cable television facilities and street lighting.

Water Facility: Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

Water Survey: An inventory of the source, quantity, yield and use of groundwater and surface-water resources within Morris Township.

Watercourse: A permanent stream, intermittent stream, river, brook, creek, or a channel, drain or ditch for water, whether natural or man-made.

Yard: That portion of a lot that is unoccupied and open to the sky and extends from the lot line to the yard line.

Yard Line: A line within a lot defining the minimum distance between any building or structure or portion thereof, and an adjacent lot line. Such line shall be measured at right angles from and parallel to the corresponding lot line.

Yard, Front: A yard between an adjacent right-of-way and the building line and extending for the full width of the lot.

Yard, Rear: A yard between the rear lot line and a line drawn parallel thereto at such distance therefrom, and extending for the full width of the lot.

Yard, Side: An open yard space between the side lot line and parallel thereto extending from the front lot line to the rear lot line.

ORDAINED AND ENACTED into law this 1st day of September 2005.

ATTEST:

TOWNSHIP OF MORRIS

Gladys Straw, Secretary/Treasurer

John J. Saggese, Jr., Chairman
Board of Supervisors