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BOARD OF SUPERVISORS
COOKE TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

See ord. 25-1991

ORDINANCE NO ' 17

AN ORDINANCE OF THE SUPERVISORS OF COOKE TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, ADOPTING AND ESTABLISHING REGULATIONS FOR LAND SUBDIVISION, THE CONSTRUCTION AND DEDICATION OF STREETS, ALLEYS AND OTHER PUBLIC IMPROVEMENTS, REGULATING UTILITY INSTALLATIONS, APPROVAL OF PLANS, FIXING STANDARDS, REQUIREMENTS FOR THE SUBDIVISION OF LAND AND FEES, AND IMPOSING PENALTIES.

TO BE ENACTED AND ORDAINED BY THE SUPERVISORS OF COOKE TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA, AND IT IS HEREBY ENACTED AND ORDAINED BY THE AUTHORITY OF THE SAME.

In order to assure sites suitable for building purposes and human habitation and to provide for the harmonious development of Cooke Township, for adequate open spaces for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of the Township, it is hereby ordained by the Supervisors of Cooke Township, Cumberland County, Pennsylvania, that the following land subdivision regulations be adopted and established for said Township.

SECTION 1. No subdivision of any lot, tract or parcel of land shall be erected, no street, storm sewer, sanitary sewer, water main or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in strict accordance with the provisions of these regulations.

SECTION 2. Unless otherwise expressly stated, the following

_____ terms shall, for the purpose of these regulation, have the meanings indicated:

(a) ALLEY: a strip of land over which there is a right-of-way, on which no dwelling or store fronts, and serving as secondary or service access to properties.

(b) LOT: a plot or parcel of land of less than ten acres, which is, or in the future may be, offered for sale, conveyance, transf or improvement.

(c) LOT AREA: for the purposes of this ordinance lot area shall not include any portion of a right-of-way.

(d) BUILDING: also includes "structure" and shall be construed as if followed by "or part thereof".

(e) BUILDING SETBACK LINE: a line within a lot, between which line and right-of-way line of the street on which the lot fronts, a building may not be erected.

CARTWAY: the part of a right-of-way available for vehicular traffic,

(g) PERSON: individual, partnership, unincorporated association or corporation.

(h) RIGHT-OF-WAY: land opened for use as a street or alley.

(i) STREET: also includes road.

(j) APPROVED, REQUIRED or words of similar import shall indicate the approval or requirements of the Township Supervisors.

(k) SUBDIVIDER.: the owners of record of land to be subdivided.

(1) SUBDIVISION; the division of a single lot, tract or parcel of land, including changes in street lines or lot lines for the purpose, whether immediate or future, of transfer of ownership or of building development; provided, however, that divisions of land for agricultural purposes in parcels of more than ten acres, not involving any new street or easement of access, shall be exempt.

SECTION 3. Land which the Township Supervisors deem of such character that it cannot be used for building purposes without danger to the health, safety, morals or general welfare of the citizens of the township, shall not be plotted, subdivided or used for building purposes.

SECTION 4. The minimum widths of rights-of-ways of streets shall not be less than the following:

Arterial roads: fifty (50) foot right-of-way.

Collector roads: 7-t.4.4.e....412:4 foot right-of-way.
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Minor streets: tl-l+rt-y=tl=7--€3-34 foot right-of-way.

SECTION 5. Minimum easements must be provided as follows:

Drainage: five (5) foot easement.

Underground public facilities: ten (10) foot easement,

Overhead public easement: fifteen (15) foot easement.

Electric and telephone lines shall be carried along the rear of lots wherever practicable, All gas, water, electric, telephone and other mains, pipe and conduits together with all service connections and laterals shall be laid when the need for the same can be reasonably anticipated, before the cartways are improved.

SECTION 6. Blocks on which lots front shall be not less than 500 feet in length, provided, however, that blocks of estate lots of two acres or more may be of greater length subject to approval of the Supervisors.

SECTION 7. Minimum lot sized and frontage shall be as follows:

(a) Where both sanitary sewers and public water supply are available, the minimum size is 15,000 square feet of lot area and a minimum frontage of 100 feet,

(b) All other lots shall be a minimum of one (1) acre of lot area in size and have a minimum frontage of 200 feet.

In a Cul-de-sac the frontage shall be determined at the building setback line.

SECTION 8, Each lot shall abut on a street.

SECTION 9. The building setback lines shall be as follows:
D_{a,06} O Lots-of-15,000 square feet of lot area or greater.
..but-less than. on.e_(1)• acre of lot area shall have a building setback
'Of-not-less than 25 feet.

(.)g Lots of one (1) acre of lot area or greater shall have a building setback of not less than 40 feet,

(b) ~~(a)~~ Provided however, that when any tract being subdivided abuts any existing Arterial, Collector or Minor Street, the building setback lines must be so located as to permit present or future widening of such road or street to comply with Section 4 above.

SECTION 10, Pending the adoption of a zoning ordinance, the following lot standards will prevail: Side and rear building lines shall not be less than 10 feet from the side and 40 feet from the rear lot lines. Provided, however, that minor garages or outbuildings may be within 20 feet of rear lot lines.

SECTION 11. The minimum sanitary facility that shall be provided for each lot shall consist of:

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- (a) **9.a3** gallon septic tank, of an approved type;
- (h) Distribution box, of an approved type;
- (c) 325 sq.- foot drainage field, of an approved type;
- (d) No part of this sanitary facility shall be closer than 10 feet from any property line.

The Supervisors reserve the right to require greater capacities or lengths when they deem them necessary.

SECTION 12. Drainage structures, pipes, headwalls, ditches, inlets, manholes, stream bed paving, sodding and/or measures necessary to insure proper drainage will be placed as required by the Supervisor Curbing, concrete curb gutter, rubble gutter or approved alternate will be required on grades of 6 percent and over in the construction of new streets and roads. The flowline of shoulders or gutters must be at least 3 inches below the bottom of the roadway base course and 3 feet from the edge of pavement.

SECTION 13. ' The minimum widths of cartways shall not be less than 74 feet. All streets and alleys shall, wherever possible connect with existing highways, streets and alleys so as to form continuations thereof. All streets and alleys shall be graded to the full width of the right-of-way where practical and desirable. The Supervisors reserve the right to require greater widths of cartways than above specified when they deem necessary.

SECTION 14. Shoulders, the minimum width of which shall be 6 feet, will be constructed on all streets without curbing.

SECTION 15, All caraway pavement shall consist of a 3 inch crushed, aggregate base two (2) inch courses of 5/8" oil CP-2 or equivalent surface.

SECTION 16. Street *grades* shall be limited to from 15%, unless otherwise approved.

SECTION 17. The minimum centerline curve radius shall be 150 feet

SECTION 18. The curb radius at intersection shall be 12 feet.

SECTION 19. The centerline of streets shall intersect at as nearly right angles as possible.

SECTION 20. Street jogs with centerline offsets of less than 125 feet shall be avoided,

SECTION 21. The minimum right-of-way radius of a Cul-de-sac shall be 406' feet and the minimum paving radius 35 feet.

SECTION 22. Alleys are disallowed except as necessary continuations of existing facilities or by permission of the Supervisor where unusual conditions so warrant.

SECTION 23, All grading and the construction of curbs, sidewalks, roadways and drainage., shall be in accordance with the standards and specifications approved by the Supervisors, which are hereby adopted and made parts hereof, and which may from time to time be altered or added to.

SECTION 24. Permanent reference monuments of precast concrete of a durable stone at least five inches at top and seven inches at bottom and at least thirth-six inches in depth, set flush with the finished grade, shall be set at such points as designated by the Supervisors.

SECTION 25. Where no public water supply is available the subdivider shall comply with the current requirements of the Pennsylvania Department of Health pertaining to individual water systems.

SECTION 26. All plans of subdivisions shall be prepared by a registered professional engineer, or a registered surveyor, and shall contain a north point, topography, water course, location of permanent references, building setback lines, utility easements, utility locations, proposed drainage system, other public improvements necessary for the complete development of the subdivision, and a typical section of and profiles of each street showing the existing ground on the centerline and along each property line and the tentative centerline finished grade. Streets,

parks and other improvements shown on a subdivision plan may be offered for dedication to the Township by formal notation thereof on the plan by the subdividers. Provision will be made on the plans for the approval signatures of the Supervisors. The subdivider shall certify legal or equitable title to the land, whichever it may be. The subdivider may file a preliminary schematic plan of the subdivision showing topography, the name, widths and layouts of rights-of-ways and approximate area and dimensions of each lot,

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SECTION 27. All plans of subdivisions shall be filed triplicate with the Board of Supervisors two weeks before the meeting at which it will be considered by them. Said plans will be signed and acknowledged by all the subdividers and shall be accompanied by deed restrictions. A filing fee of \$1.00 per lot with a minimum of \$25.00, payable to Cooke Township, shall be paid when said plans are filed.

SECTION 28. All plans of subdivisions shall be subject to approval or rejection by the Township Supervisors. If such a plan is disapproved, the reason or reasons therefor shall be set forth in writing and given to the applicant within ten (10) days of such disapproval.

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SECTION 29. No subdivision plan shall be approved unless all
— — streets thereon shall be of sufficient width and proper grade in accordance with these regulations, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air facilitate fire protection, provide access of fire fighting equipment to buildings and provide a coordinate system of streets.

No subdivision plan shall be approved in cases where a cemetery or burial ground is located on the lot, tract or parcel of land affected by the subdivision, unless the township is assured of the future care and maintenance thereof, by the creation of a trust fund, the estimated annual income of which shall approximate \$ 100.00 to us used for such purpose.

SECTION 30. Percolation tests will be required as part of the compliance with the appropriate DeamartLat. ^{0 44—} regulations.

SECTION 31. The Supervisors shall be notified. 72 hours in advance of the beginning of the construction of any streets or public improvements.

SECTION 32. The Supervisors ^{iNA¹⁷} *Mety* accept for maintenance and operation a portion of a street or road of not less than ^{de; / D •} feet ^{W,,, "f A @ e J wd. r , 4/ o . . .} in length ^{Wif} all improvements therein have been completed; provided that if such acceptance is denied the reason or reasons therefor shall be set forth in writing and given to the applicant within ten (10) days of such denial.

SECTION 33. No lot in a subdivision may be sold and no building may be erected in a subdivision unless and until a subdivision plan has been approved and recorded.

SECTION 34. Before approving a subdivision plan, the Township Supervisors may in their discretion arrange for a public hearing thereon, after giving such notice as they may deem advisable in each case.

SECTION 35. The Township Supervisors may alter any subdivision plan and specify changes or modifications therein which they deem necessary and may make their approval subject to such alterations, changes or modifications.

Section 36. Prior to subdivision plans approved, the
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Township Eagitie-er shall sign them certifying that they are
in accordance with these regulations.

Section 37. Upon said subdivision plans being approved,
they shall be signed by the Township Secretary, certifying
to said action of the Township Supervisors and an approved
duplicate copy of such plans within thirty (30) days of the
date of their approval be recorded by the subdividers in the
Office of the Recorder of Deeds of Cumberland County,
Pennsylvania.

Section 38. No lot in a subdivision may be sold, no permit
to erect, alter or repair any building upon land in a subdivision
may be issued, and no building may be erected in a subdivision
unless and until a subdivision plan has been approved, and
where required, recorded, and until the required improvements
in connection therewith have either been constructed or the
completion thereof has been assured by the owner by means
of a proper completion guarantee in the form of a bond or the
deposit of funds or securities, in escrow sufficient to cover
the cost of the required improvements, as estimated by the
„Engl4-nre-e• of the Township of Cooke or any other person designated
by the Township of Cooke.

Section 39. The Township shall have no responsibility
with respect to any street or other improvement, notwithstanding
the use of the same by the public, unless the street or other
improvement is accepted by resolution of the Township Supervisor

Section 40. These provisions shall be considered by the
minimum requirements for the protection of the public welfare,
and the Township Supervisors may from time to time modify them or
extend them as may be necessary in the public interest. However,
where owing to special conditions, a literal enforcemen

of any of these provisions would result in unnecessary hardship, the Township Supervisors may, in their discretion make such reasonable exception thereto as will not be detrimental to the public health and safety or contrary to the public interest.

Section 41. Any person, co-partnership or corporation who or which shall subdivide any lot, tract or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, or water main for public use or travel or for the common use of occupants of buildings abutting thereon, sell any lot or erect any buildings without having first complied with the provisions hereof, may be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such co-partnership, or of the officers of such corporation, responsible for such violation, shall be sentenced to suffer imprisonment not exceeding two (2) years, or pay a fine not exceeding One Thousand (\$1000.00) Dollars or both, in the discretion of the Court, as provided by Section 16 of the Act of 1951, May 24, P.L. 370 (Section 1208-A).

Section 42. The provisions of this Ordinance are hereby declared to be severable and if any of its provisions shall be held to be invalid or void for any reason, such decision shall not affect or impair any of the remaining provisions hereof.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Cooke Township, Cumberland County, Pennsylvania, this 6th day of June, 1972.

TOWNSHIP OF COOKE
CUMBERLAND COUNTY, PENNSYLVANIA

By: S/D Wilmer R. Hockley
ChairMan

ATTEST:

S/D Anna S. Brough
Secretary

MARTSON & SNELRAKER
ATTORNEYS AT LAW