

SUBDIVISION AND **LAND DEVELOPMENT ORDINANCE**

CAERNARVON TOWNSHIP **LANCASTER COUNTY, PENNSYLVANIA** **ORDINANCE#_____**

AN ORDINANCE OF THE CAERNARVON TOWNSHIP, COUNTY OF LANCASTER, PENNSYLVANIA ENACTING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF CAERNARVON TOWNSHIP PROVIDING COMPREHENSIVE REGULATIONS FOR SUBDIVISION AND LAND DEVELOPMENT IN CAERNARVON TOWNSHIP PURSUANT TO THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, AS AMENDED, INCLUDING PROVIDING EXTENSIVE DEFINITIONS, PROVIDING A METHODOLOGY OF ADMINISTRING THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO, THE COLLECTION OF FEES AND COSTS, ESTABLISHING PLANNED PROCESSING PROCEDURES AND INFORMATION TO BE INCLUDED ON OR WITH PLANS UNDER CERTAIN CIRCUMSTANCES, PROVIDING FOR ASSURANCES FOR COMPLETION AND MAINTENANCE OF MUNICIPALITY MANDATED IMPROVEMENTS AND THE RELEASE THEREOF, ESTABLISHING SUPPLEMENTAL REQUIREMENTS FOR TESTS AND STUDIES, PROVIDING PARTICULAR PROVISIONS SEPARATELY RELATING TO URBAN AREAS AND RURAL AREAS, PROVIDING PENALTIES FOR VIOLATIONS, AND PROVIDING A NUMBER OF APPENDICES CONSISTENT THEREWITH FOR PURPOSES OF IMPLEMENTING THE SAME, THEREBY PROVIDING A COMPREHENSIVE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE UNDER THE PROVISIONS OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE.

Adopted at a Public Meeting Held on December 21, 2015

CAERNARVON TOWNSHIP, LANCASTER COUNTY **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

December 2015

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1. Pursuant to Section 9.2 of the ELANCO Region Comprehensive Plan adopted by Caernarvon Township September 8, 2008 the governing body finds that it is in the best interest of its citizens to adopt a comprehensive Subdivision and Land Development Ordinance, under the provisions of the Pennsylvania Municipalities Planning Code; and
2. This Ordinance is particularly consistent with Sections 4, 7 and 8 of the Comprehensive Plan in that it promotes the preservation of agricultural, natural, and historical resources, provides design requirements for appropriate transportation infrastructure; and it promotes the development of recreational facilities in the Township.
3. The Governing Body also, pursuant to the requirements of the Pennsylvania Department of Environmental Protection (DEP) has adopted the Lancaster County Act 167 Stormwater Management Plan, also known as An Integrated Water Resource Plan for Lancaster County (SWMA), and has also adopted a Storm Water Management Ordinance No. 102 (SWMO) comprehensively regulating storm water management in the municipality and the governing body has determined that certain provisions relating to the SWMO should be incorporated into the provisions of this Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Governing Body of Caernarvon Township, and it is hereby enacted and ordained by the authority of the same, after review and consultation with the Lancaster County Planning Commission and the Caernarvon Township Planning Commission, public notice and a hearing, that the following Ordinance be adopted.

ARTICLE 1

GENERAL PROVISIONS

1.1 TITLE

This Ordinance shall be known, cited and referred to as the Subdivision and Land Development Ordinance of Caernarvon Township (hereinafter “Ordinance”).

1.2 PURPOSE AND INTENT

This Ordinance is adopted to regulate and manage the Subdivision and development of land within Caernarvon Township for the following intent:

Traditionally, Lancaster City served as the social, cultural and commercial hub of Lancaster County while each of the boroughs served as distinct focal points for their particular region. The Urban centers of the future are envisioned to reflect these mixed-use, compact communities of the past; each with a strong sense of uniqueness, identity and cohesion. Communities within adopted Urban and Village Growth Areas should develop with a mix of densities, housing types, and land uses, and allow people to walk to school, to parks, and to obtain the needs of everyday life. Efficient growth within Designated Growth Areas, that is served by the full range of public facilities and services necessary to support residential and economic development is considered appropriate and is intended to limit encroachment into the Rural countryside.

Compact and efficient Urban development, that encourages Infill and the retention of community character will, in combination with the Rural development strategies of farmland preservation and conservation, be instrumental in the successful implementation of the County-wide growth management strategies necessary to the future of Lancaster County and the retention of its sense of place. To increase mobility and create connectivity from New Development to existing developments using interconnect trails and sidewalks. New emphasis should be placed on compatible reinvestment, Infill, and Redevelopment in the Urban areas. To increase the proportion, density, and intensity of development in Urban areas, 12% of new residential growth and 55% of new employment must occur while increasing the character and form of New Development in a way that enhances the quality of life for current and new residents.

Growth management, agricultural preservation and retention of Rural character are critical to the future of Lancaster County and its sense of place. Therefore, the protection of agricultural, natural, historic, architectural and scenic resources is necessary while designating Rural Centers (villages, crossroads communities and other existing developed areas) and directing development that would otherwise occur as scattered sprawl towards those Rural Centers is important. Designated Agricultural Areas should be managed to preserve productive farmland, promote a healthy agricultural industry, and maintain scenic and historic Rural landscapes. Designated agricultural with natural areas would be managed to preserve productive farmland and sensitive natural features and environmentally sensitive resources. Designated natural areas should be managed to protect the resources with high scenic, recreational, and natural resource values. The Rural Centers of existing development should be managed and New Development that is not directly related to the Rural economy should be encouraged to locate around and within our Rural Centers.

1.3 STATUTORY AUTHORITY

This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended, (hereinafter the PMPC).

1.4 APPLICABILITY

1.4.1 Territorial Application.

The provisions of this Ordinance shall apply to all Subdivisions and Land Developments within the corporate limits of Caernarvon Township.

1.4.2 General Application.

No Subdivision or Land Development of any Lot, Tract or Parcel of land located within Caernarvon Township shall be effected and no Street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use, or for the common use of occupants of Buildings thereon, unless and until in strict accordance with this Ordinance. Furthermore, no property shall be developed, no Building shall be erected and no Site Improvements shall be completed except in strict accordance with the provisions of this Ordinance. Compliance with this Ordinance may only be achieved if such Subdivision and/or Land development is also consistent with the municipal SWMO and any and all other applicable Ordinances, laws, and regulations of the Municipality, County, Commonwealth, and United States of America.

1.4.3 General Prohibition.

No Lot in a Subdivision may be sold or transferred; no permit to erect, alter or repair any Building upon land in a Subdivision or Land Development may be issued; and no Building may be erected in a Subdivision or Land Development, unless, in strict accordance with this Ordinance, and until construction of any required Site Improvements in connection therewith has been completed or guaranteed in the manner prescribed herein.

1.4.4 Pending Applications.

This Ordinance shall not affect an application for approval of a Subdivision and/or Land Development Plan which is pending action at the time of the effective date of this Ordinance and is covered by Section 508 of the PMPC, in which case the Applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time when the application for such Plan was duly filed. Additionally, this Ordinance shall not affect any suit or prosecution, pending or to be instituted, to enforce any provision of the Caernarvon Township Subdivision and Land Development Ordinance, as amended, or any applicable predecessor regulations on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance.

1.4.5 Previously Approved Plans.

If an Applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the Applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of such application,

nor shall any provision of this Ordinance be construed to waive the obligations imposed upon an Applicant to complete a previously approved Preliminary or Final Plan, including the installation of all Improvements, in strict compliance with the requirements of such approval. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) years shall be counted from the date of Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances as they stood at the time when the application for such approval was duly filed.

1.4.6 Existing Improvements.

If existing Improvements, including Storm Water Management Facilities, on the Subject Tract do not meet the requirements of this Ordinance and/or not functioning properly, then such Improvements must be designed and upgraded to meet the requirements of this Ordinance in conjunction with an Application for Development.

1.5 ENACTMENT

This Ordinance is hereby adopted and made effective as of December 21, 2015.

1.6 INTERPRETATION, CONFLICT AND SEPARABILITY

1.6.1 Interpretation.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare, and shall be construed to achieve the purposes for which this Ordinance was adopted.

1.6.2 Conflict with Public and Private Provisions.

A. Public Provisions.

This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in this Ordinance. Where any provision of this Ordinance imposes restrictions different from those imposed by any other provision of this Ordinance or any other ordinance, rule or regulation, statute, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.

B. Private Provisions.

This Ordinance is not intended to abrogate any Easement, covenant, or other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than such Easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern. Notwithstanding the foregoing, no easement, covenant, or other private agreement or restrictions shall be approved or recorded unless it is consistent with the provisions of this Ordinance.

1.6.3 Separability.

If any part or provision of this Ordinance or the application of this Ordinance to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity and continued enforcement of any other parts or provisions of this Ordinance or the application of them to other persons or circumstances. It is hereby declared as the intent of the Governing Body of Caernarvon Township that this Ordinance would have been adopted if such provision has not been included herein.

1.7 SAVING PROVISION

This Ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing Subdivision or Land Development regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Municipality under any section or provision existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, firm or corporation by lawful action of the Municipality, except as shall be expressly provided for in this Ordinance.

1.8 REPEAL OF PREVIOUS ORDINANCE

Upon the adoption of this Ordinance, all provisions of the Lancaster County Subdivision and Land Development Ordinance of 1991, as amended, are expressly repealed in their entirety to land within the corporate limits of Caernarvon Township.

1.9 ORDINANCE AMENDMENTS

1.9.1 Purpose.

For the purpose of protecting the public health, safety and general welfare, amendments to this Ordinance may, from time to time, be proposed pursuant to the provisions of the PMPC.

1.9.2 Procedure.

All proposals for amendments shall be made in accordance with the following procedure:

A. Proposal.

Amendments to this Ordinance may, from time to time, be proposed by the Governing Body on its own motion, or by the Planning Commission. In addition, any Landowner may propose an amendment to this Ordinance, in which event the Governing Body, at its sole option, may initiate procedures for amendment by referring the proposed amendment to the Planning Commission.

B. Review by Planning Commission.

In the case of an amendment other than that proposed by the Planning Commission, the Governing Body shall submit each such amendment to the Planning Commission for recommendations at least forty-five (45) days prior to the date of the Public Hearing on

the proposed amendment. The Governing Body shall also submit the proposed amendment to the Lancaster County Planning Commission for recommendations at least forty-five (45) days prior to the date of the Public Hearing.

C. Action by Governing Body.

Amendments shall be approved or disapproved by the Governing Body after a Public Hearing held pursuant to Public Notice, as defined in Section 2.2 in accordance with the procedural requirements of Section 505 and 506 of Act 247 as amended.

D. Notification of Municipal Action.

Within thirty (30) days of said approval, the Governing Body shall forward a certified copy of any amendment to this Ordinance the Lancaster County Planning Commission.

1.10 ENFORCEMENT AND PENALTIES

1.10.1 Enforcement.

It shall be the duty of the Municipal Engineer to enforce this Ordinance and to bring any violations of these regulations to the attention of the Municipal Solicitor. Formal enforcement proceedings may be initiated in the name of the Municipality after authorization by the Governing Body.

1.10.2 Penalties.

A. Preventive Remedies.

1. In addition to other remedies, the Municipality 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.
2. The Municipality may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a Subdivision of real property in violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following:
 - (a) The owner/owners of record at the time of violation;
 - (b) The vendee or lessee of the owner of record at any time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
 - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the action; or

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

3. As an additional condition for issuance of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the township 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.

B. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of this ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Municipality, pay a judgment of not more than five hundred dollars (\$500) plus all court costs including reasonable attorney's fees incurred by the Municipality as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Municipality may enforce the judgment pursuant to the Pennsylvania Rules of Civil Procedures. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge 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 been 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 Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Municipality the right to commence any action for enforcement pursuant to this Section.

ARTICLE 2 LANGUAGE AND DEFINITIONS

2.1 GENERAL RULES OF CONSTRUCTION

The language set forth in the text of this Ordinance shall be interpreted in accordance with the following rules of construction:

2.1.1 Tense and Form.

Words used or defined in one tense or form shall include other tenses or derivative forms.

2.1.2 Number.

Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

2.1.3 Gender.

The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.

2.1.4 Person.

The word "person" includes individuals, firms, partnerships, joint ventures, trusts, trustees, estates, corporations, associations and any other similar entities.

2.1.5 Building.

The word "Building" includes the word "Structure" and shall be construed as if followed by the words "or a part thereof".

2.1.6 Lot.

The word "Lot" includes the words "plot", "Tract", and "Parcel".

2.1.7 Watercourse.

The word "Watercourse" includes the words "drain," "ditch" and "Stream".

2.1.8 Shall and May.

The words "shall," "must" and "will" are mandatory in nature and establish an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive.

2.1.9 Time.

The time, within which any act required by this Ordinance is to be performed, shall be computed by excluding the first day and including the last day. However, if the last day is a Saturday or Sunday or a holiday declared by the United States Congress or the Pennsylvania General Assembly, it shall also be excluded. The word "day" shall mean a calendar day, unless otherwise indicated.

2.1.10 Undefined Terms.

Any words not defined in this Section or in Section 107 of Act 247 shall be construed as defined in standard dictionary usage.

2.1.11 Illustrations and Tables.

In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control. No caption, illustration or table shall be construed to limit the scope or intent of the text of this Ordinance.

2.2 DEFINITIONS

For the purposes of this Ordinance, the following terms shall have the following meanings:

Abutting. Having a common border with, or being separated from such common border by a Right-of-Way, Alley or Easement.

Accessory. Additional, something extra or complementary.

Access Drive. A cartway designed and constructed to provide for vehicular movement between a public or private road and a parking area or between parking areas (for more than 2 spaces) on a tract of land containing any use other than one single-family dwelling unit or a farm.

Act 247. The Pennsylvania Municipalities Planning Code (“MPC”) as heretofore and hereafter amended.

Adjoining Lot. A Lot that shares all or part of a common point or line with another Lot.

Agricultural Land/Areas. The commercial production and preparation for market of crops, livestock and livestock products, and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

Area: The extent of surface contained within the boundaries or extremities of land or building, exclusive of street rights-of-way.

Average Daily Traffic (ADT). Computed by application of a day of the week by month factor to an average twenty-four (24) hour traffic count. Such information is available in the latest volume of the Pennsylvania Department of Transportation Traffic Data Collection and Factor Development Report.

Applicant. A Landowner and/or Developer, as hereinafter defined, including his heirs, successors and assigns, who filed an application for Subdivision and/or Land Development.

Application for Development. Every application, whether Preliminary or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a Building permit, for the approval of a Subdivision Plat or Plan, or for the approval of a Development Plan.

Base flood - a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

Base Flood Elevation. The projected Flood height of the Base Flood.

Block. Land surrounded on all sides by Streets (measured at the Right-of-Way) or other transportation or utility Rights-of-Way, or by physical barriers such as bodies of water or public open spaces.

BMP's. Best management practices.

Buffer. A strip of land with Landscaping, fences and/or walls located between two (2) uses, or between one (1) use and a public Right-of-Way, that is intended to mitigate negative impacts, such as visual and noise, of the more intense use on the less intense use or on the public Right-of-Way.

Buffer Area. A strip of land within a public Right-of-Way which may include Signage, Street trees, and curbs, gutters, or swales.

Building. Any structure enclosed within exterior walls or fire walls; built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, or support of individuals, animals, or property, of any kind; and occupying more than ten (10) square feet of area. Patios, decks, paved terraces, porches, and carports shall be considered a part of the building.

Detached - A building which has no party wall.

Semi-Detached - A building which has only one (1) party wall.

Attached - A building which has two (2) or more party walls in common.

Building, Accessory. A detached, subordinate Building, the use of which is customarily incidental and subordinate to that of the Principal Building, which is located on the same Lot as that occupied by the Principal Building. Farm Buildings not intended for habitation are considered to be Accessory Buildings.

Building, Principal. A Building that is enclosed within exterior walls or firewalls, and is built, erected and framed of component structural parts. The Principal Building is also designed for housing, shelter, enclosure and support of individuals, animals or property of any kind, and is a main Structure on a given Lot.

Building Setback Line. The line of a structure or building existing at the effective date of the Zoning Ordinance or the legally established line which determines the location of a future building or structure or portion thereof with respect to any lot line as specified by any applicable zoning ordinance.

Capacity. The maximum number of vehicles that can be expected to pass over a given section of roadway or on a specific lane.

Cartway. The surface of a road or street available for vehicular traffic.

Centerline: The center of the surveyed street, road, lane, alley, or alley right-of-way, or where not surveyed, the center of the traveled cartway.

Clear Sight Triangle. An area of unobstructed vision at Street intersections defined by lines of sight between points at a given distance from the intersection of the Street centerlines.

Common Open Space. A Parcel or Parcels of land or an area of water, or a combination of land and the water, within the development Site, designed and intended for the use or enjoyment of residents of the development, not including Streets, off-Street parking areas, and areas set aside for public facilities.

Commonwealth. Commonwealth of Pennsylvania.

Community Water Supply. A utility operated by a Municipality or a company, regulated by the Public Utility Commission, which supplies potable, domestic water for use by more than one (1) household, business or institution.

Comprehensive Plan. The official public document prepared and adopted in accordance with the Pennsylvania Municipalities Planning Code, consisting of maps, charts and textual material, that constitutes a policy guide to decisions about the physical and social development of the Municipality. ELANCO Region Comprehensive Plan adopted by Caernarvon Township September 8, 2008 as amended.

Condominium. A form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act of 1980, which includes a multiple unit Land Development in which there is a system of separate ownership of individual units of occupancy and undivided interest of land and common facilities.

Contiguous. Lots are Contiguous when at least one (1) boundary line of one Lot touches a boundary line or lines of another Lot.

County. Lancaster County, Pennsylvania.

Crossroads Community. An existing traditional compact settlement with a distinct identity in a rural area, typically at a crossroads. Often has a central gathering place and may have a few supporting commercial uses. Where appropriate, these communities may be the focus of limited development as an alternative to rural sprawl; including Churchtown and Beartown.

Dedication. The deliberate appropriation of land by its owner for general public use.

Deed. A written instrument whereby an estate in real property is conveyed.

Density, Gross. The number of dwelling units or units of occupancy per gross Lot Area acre (i.e., the total area within the Deeded property lines without exception).

Density, Net. The number of dwelling units or units of occupancy per net Lot Area acre (i.e. the total area within the Deeded property lines exclusive of existing Street Rights-of-Way).

Designated Rural Area. Areas within which Rural resources, Rural character, and a Rural way of life are to be sustained. These areas shall include the agricultural and natural resource areas designated by the ELANCO Region Comprehensive Plan, 2008, as amended.

Detention Basin. A reservoir that temporarily contains Storm Water Runoff and releases it gradually into a Watercourse or Storm Water facility.

Determination: A final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. The governing body:
- B. The zoning hearing board: or
- C. The planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

Developer. Any Landowner, agent of such Landowner, or tenant with the permission of such Landowner, including a firm, association, organization, partnership, trust, company, or corporation as well as an individual, for whom Subdivision or Land Development Plans are being or have been made.

Development. Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; or the subdivision of land.

Development Plan. The provisions for development, including a Planned Residential Development, a Subdivision Plat or Plan and/or a Land Development Plat or Plan, 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 Easement. The land required for the installation of storm sewer or drainage facilities, or required along a natural Stream or Watercourse for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

Dripline. A line marking the outer edges of the branches of the tree.

Driveway. A private drive providing vehicular access between a Street or Access Drive and a parking area for a single-family dwelling unit or a farm.

Dwelling: A building or portion thereof designed for and used primarily for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts, and the like, offering overnight accommodations for guests or patients. Dwellings may include prefabricated units which are capable of being transported to a site in whole or in part, provided that the unit is permanently affixed to the ground by means of a hard surfaced foundation that will not heave, shift, or settle unevenly because of frost action, inadequate drainage, vibration, or other forces acting on the superstructure.

Dwelling Unit - One (1) or more sleeping or living rooms arranged for use of a family.

Dwelling, Single-Family - A dwelling on a single lot designed and occupied exclusively as a residence for one (1) family.

Dwelling, Semi-Detached. A building consisting of two (2) dwelling units separated by a vertical party wall.

Easement. A strip of land granted for limited use of property by the Landowner for a public or quasi-public or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

Elevation. The vertical alignment of a surface, as it exists or as it is made by cut and/or fill.

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

Environmental Covenant. A servitude arising under an environmental response project which imposes activity and use limitation.

Environmentally Sensitive Areas. An area not suitable for development that includes hedge rows/fence rows, flood plains, flood plain soils, Steep Slopes, Wetlands, and riparian areas.

Existing Wooded Area. A biological community dominated by trees and other woody plants covering a land area of ¼ acre or more. Existing wooded areas includes areas that have at least 25 trees per ¼ acre with at least fifty (50%) percent of those trees having a two-inch or greater caliper at 4.5 feet above the ground and larger.

Farm: A parcel of land ten (10) acres or more, devoted to the cultivation of land or other agricultural uses.

Flagpole. A narrow extension of property on a Lot or Parcel from the buildable area of a Lot to the public Right-of-Way, and which is not part of the Lot Area, but serves as access to the Lot or Parcel. See also Lot definition.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overland flow of watercourses or from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain. An area of land adjacent to the channel of a watercourse which has been or is likely to be flooded from the base flood of any source The location of a Floodplain may include an area of greater magnitude than the base flood if a greater flood hazard area is designated by another Municipal ordinance.

Footcandle. A unit of light intensity stated in lumens per square foot and measurable with an Illuminance meter or light meter.

Frontage. That portion of the property which abuts and is measured along the Street Right-of-Way line.

Fully Shielded. A light constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

Future Access Strip. A Right-of-Way reserved for the future Improvement of a Street.

Geologist. A professional Geologist registered by the Commonwealth of Pennsylvania.

Glare. The sensation produced by lighting that causes an annoyance, discomfort, or loss in visual performance and visibility to the eye.

Governing Body. The board of supervisors in townships of the second class, or any other similar body with the final decision-making, budgeting and appointing authority of a general purpose unit of government. The Caernarvon Township, Board of Supervisors.

Guarantee, Improvements. Any security which may be required of a developer by the Township in lieu of a requirements that certain improvements be made before the Township approves the developer's subdivision plan or land development plan. Such security may include, but is not limited to, Federal or Commonwealth lending institution irrevocable letter of credit or restricted escrow account.

Guarantee, Maintenance. Any security which may be required of a developer by the Township, after final acceptance by the Township of improvements installed by the developer. Such security may include, but is not limited to, Federal or Commonwealth lending institution irrevocable letter of credit or restricted escrow amount.

Historic Feature. Any district, Site, Building Structure, or object that meets one or more of the following criteria:

- A. Is listed or may be determined to be eligible to be listed on the National Register of Historic Places either individually or as a contributing resource.
- B. Is listed on the Lancaster County Historic Sites Survey or on any officially adopted Municipal inventory of historic resources and is determined by a qualified historic preservation professional to retain the historic characteristics that qualified it for said list.
- C. Is determined by a qualified historic preservation professional to be historically or architecturally significant.

Horizon Year. The anticipated opening year of a development, assuming full buildout and occupancy.

Illuminance. The quantity of light measured in Footcandles or Lux.

Impervious Surface. Material that is impenetrable and unable to absorb water, including, but not limited to, Buildings, Structures and paved areas. Gravel drives and parking areas are also considered impervious.

Improvement. Physical changes to the land, including, but not limited to, Buildings, Streets, curbs, gutters, Streetlights and signs, water mains, hydrants, sanitary sewer mains, including Laterals to the Street Right-of-Way lines, storm drainage lines, Storm Water management Structures, walkways, recreational facilities, open space Improvements, shade trees, Buffer or screen plantings, and all other additions to the Tract which are required by ordinance or are deemed necessary to result in a complete Subdivision or Land Development in the fullest sense of the term.

Improvement, Public. Improvements for which the Municipality may ultimately assume the responsibility for maintenance and operation, or which may effect an Improvement for which Municipal responsibility is established.

Indigenous Species. Plants which have not been introduced by man and thrive in an area where it is considered native.

Influence Area. An area that contains eighty percent (80%) or more of the Trips that will be attracted to a development Site.

Invasive Species. Plants which grow quickly and aggressively, spreading, and displacing other plants. Invasives typically are introduced into a region far from their native habitat.

Land Development. The development of property as specified below:

- A. The Improvement 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 non-residential Building on a Lot or Lots, regardless of the number of occupants or tenure.
 - 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.
- B. A Subdivision of land.
- C. "Land Development" shall not include:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) 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
 - 3. The addition or conversion of Buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a Tract or area used principally as a location for permanent amusement Structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial Plans for the expanded area have been approved.

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.

Landscape Architect. A Landscape Architect registered by the Commonwealth of Pennsylvania.

Landscaping. Landscaping shall include, but not be limited to, grass and other plantings such as trees, shrubs, bushes and ground cover.

Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI, and VII of the MPC.

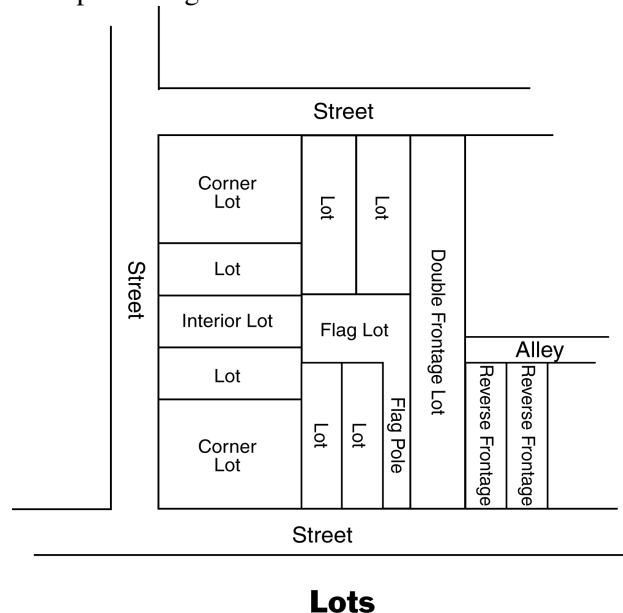
Level-of-Service. A measure of the effect of traffic on the Capacity of a road.

Line, Property: A recorded boundary of a plot. Any property line which abuts a street or other public way shall be measured from the right-of-way.

Line, Rear Lot: Rear lot line shall mean that lot line which is opposite and most distant from the front line. In the case of corner lots, the owner shall, for the purpose of the Zoning Ordinance, have the privilege of selecting any lot line; other than one of the front lot lines, to be the rear lot line; provided that such choice, in the opinion of the Zoning Officer will not be injurious to the existing or the desirable future development of adjacent property. The rear lot line of any irregular or triangular lot shall, for the purpose of this Ordinance, be a line entirely within the lot, ten (10) feet long

Lot. A designated parcel, tract, or area of land to be used, developed, or built upon as a unit, described by a metes and bounds description which is recorded in the Office of the Recorder of Deeds of Lancaster County by deed description or by an approved subdivision plan. The area and depth of a lot shall be measured to the legal right-of-way line of the abutting public or private streets.

Lot Area. The area contained within the property lines of the individual Parcel of land, excluding space within the Street Right-of-Way. The Lot Area includes the area of any utility Easement or Storm Water management facility, but does not include the "Flagpole" of a Flag lot unless otherwise specified in the Municipal zoning ordinance.



Lot, Corner. A parcel of land at the junction of and fronting on two (2) or more intersecting streets.

Lot, Double Frontage. An Interior Lot with front and rear Street Frontage, where vehicular access occurs on either Street (See Section 8.4.3.F).

Lot, Flag. A Parcel of land created by a Subdivision or partition which includes a narrow projection or "Flagpole" to the public Right-of-Way.

Lot, Interior. A Lot whose side Lot Lines do not abut upon any Street.

Lot, Reverse Frontage. An Interior Lot with front and rear street frontage, where vehicular access is prohibited to and from the higher intensity street. (See Section 8.4.3.F).

Lot Frontage. That portion of a Lot Abutting on the Street Right-of-Way and regarded as the front of the Lot.

Lot Line. Lines forming the front, rear, and sides of lots as described in the title ordered. Any lot line which abuts a street or other public way shall be measured from the street right-of-way.

Lot Line Marker. A metal plate, pin, permanent stone or concrete Monument used to identify Lot Line intersections.

Lot of Record. A Lot which is a part of a Subdivision, the Plan of which was recorded, or a Parcel of land, the Deed of which was recorded in the office of the Lancaster County Recorder of Deeds prior to the adoption of this Ordinance.

Lot Width: The width of the lot measured at the building setback line between side lot lines and parallel to the front lot line, but in no case shall the street frontage be less than thirty (25) feet.

Luminance. The physical and measurable quantity of light that corresponds to the brightness of a surface (e.g., a lamp, luminaire, reflecting material) in a specific area and measurable with a Luminance meter or light meter.

Lux. A unit of light intensity stated in lumens per square meter. There is approximately 10.7 Lux per Footcandle.

Manufactured Home or Mobile Home. A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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, including any addition or Accessory Structure, such as porches, sheds, decks or additional rooms. All Manufactured or Mobile Homes shall meet construction standards set by the United States Department of Housing and Urban Development. Mobile homes placed in parks shall meet the requirements of the applicable zoning ordinance.

Mobile Home Lot. A Parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single Mobile Home, which is leased by the park owner to the occupants of the mobile home erected on the lot (Zoning).

Mobile Home Pad. That part of an individual mobile home space which has been reserved for the placement of a mobile home and appurtenant structures and connections.

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. A process for alleviating specific requirements imposed by this Ordinance, as described in Section 3.1.

Monument. A concrete or stone Monument used to identify Street Line intersections.

MPC: see Pennsylvania Municipalities Planning Code

Multimodal. Accommodating various modes of power assisted surface transportation including but not limited to bicycles, non-motorized scooters, Segways, and horse drawn buggies.

Multi-Municipal Plan. A Plan developed and adopted by any number of Contiguous municipalities, including a joint Municipal Plan as authorized by the Pennsylvania Municipalities Planning Code or a regional Plan.

Municipal Engineer. A professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for the Municipality.

Municipal Solicitor. The licensed attorney designated by the Governing Body to furnish legal assistance for the administration of this Ordinance.

Municipal Stormwater Management Ordinance. The Caernarvon Township Stormwater Management Ordinance (Ordinance No. 102) 2014, as amended.

Municipality. Caernarvon Township, Lancaster County, Pennsylvania.

Native Plant. A plant which grew in a defined region prior to European settlement. Indigenous Species and naturalized non-Native Plants may be included as a Native Plant if it has been brought into the region and has become established into the wild and is not considered invasive or displaces Native Plants. Naturally occurring hybrids and cultivars (cultivated varieties) of native genetic parent species which may or may not have been present prior to European settlement are considered Native Plants.

New Development. A project involving the construction, reconstruction, Redevelopment, conversion, structural alteration, relocation or enlargement of any Structure, or any use or extension of land. New Developments have the potential of increasing the requirements for capital Improvements, requiring either approval of a Plan pursuant to this Ordinance, the issuance of a Building permit, or connection to the Municipal water or sanitary sewer system.

Non-Native / Introduced Plant. Any plant species that has been introduced by humans and now grows independently of cultivation. A subset of Non-Native / Introduced species are the Invasive Species.

Non-Conforming Use: A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Non-Site Traffic. Vehicle Trips passing within the study area as defined in the traffic impact study that do not enter or exit the Site and are generally the result of through traffic and traffic generated by other developments.

Off-Site. Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the Applicant for Subdivision or Land Development approval.

Official Map. A map adopted by ordinance pursuant to the Pennsylvania Municipalities Planning Code and recorded in the office of the Lancaster County Recorder of Deeds.

Parcel. See Lot.

Park and Recreation Plan. The 2004 Eastern Lancaster County Recreation, Parks and Open Space Plan.

Parking Lot: An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Parking Space: An off-street space available for the parking of one (1) motor vehicle and measuring a minimum of nine (9) feet by (20) feet, exclusive of driveways, passageways, and maneuvering space appurtenant thereto.

Peak Hour. The hour during which the heaviest volume of traffic occurs on a road.

Pedestrian Way. A Right-of-Way, publicly or privately owned, intended for human movement by walking.

Pennsylvania Municipalities Planning Code (PMPC). Adopted as Act 247 of 1968, as reenacted and amended. This act enables municipalities to Plan for, and regulate community development with Subdivision and Land Development ordinances. The code also contains guidelines for Subdivision and Land Development ordinance content. For the purpose of this Ordinance, the Code may be referred to as "Act 247" and is intended to include the current code and any further amendments thereto.

Pervious Material. Any material that would allow water to pass through at a rate at least equal to the pervious ground cover (e.g., porous pavement, stone parking areas, and preformed or prefabricated Blocks which would permit water to penetrate) and as approved by the Municipal Engineer.

Phases. As defined under the PMPC, Article V, as stages or sections of development.

Plan. A drawing, together with supplementary data, that describes a Subdivision or Land Development.

- A. As-Built Plan.** Engineering documents drawn to scale showing the constructed dimensions and materials of a Structure or other land Improvement. An as-built drawing differs from design drawings and construction drawings, which are design-oriented documents prepared prior to construction rather than a depiction of what has been constructed.
- B. Centerline Separation Plan.** A complete and exact Subdivision Plan that creates two (2) Lots by using a Street centerline as the common boundary, which meets the criteria specified in Section 4.5, and is designed in accordance with the requirements of Section 5.4.
- C. Final Plan.** A complete and exact Subdivision and/or Land Development Plan, including all supplementary data, designed in accordance with the requirements of Sections 4.3 and 5.3.

- D. *Lot Add-On Plan.*** A complete and exact Subdivision Plan, the sole purpose of which is to increase the Lot Area of an existing Lot or Tract, designed in accordance with the requirements of Sections 4.5 and 5.4.
- E. *Lot Consolidation Plan.*** A plan for the consolidation of two or more existing Lots or Tracts to create fewer Lots or Tract with revised Lot lines, designed in accordance with the requirements of Sections 4.5 and 5.4.
- F. *Minor Plan.*** A Final Plan which has an expedited process when designed in accordance with the requirements of Sections 4.6 and 5.5.
- H. *Modified Final Plan.*** A Final Plan modified to reflect a change to the Site or its surroundings that occurs after the Preliminary Plan approval as per Section 4.3.1.C.
- I. *Preliminary Plan.*** A Subdivision and/or Land Development Plan which is designed in accordance with the requirements of Sections 4.2 and 5.2, and is prepared for consideration prior to submission of a Final Plan.
- J. *Preliminary/Final Plan.*** A Final Plan which includes both Preliminary and Final Plan requirements and is designed in accordance with Section 4.4 and 5.3.
- K. *Record Plan.*** A Final Plan that contains the original endorsement of the Municipality, which is recorded with the Lancaster County Recorder of Deeds.
- L. *Revised Subdivision and/or Land Development Plan.*** Any Revised Plan due to survey corrections prepared in accordance with the requirements of Sections 4.5 and 5.4.
- M. *Sketch Plan.*** An informal Plan, not necessarily to exact scale, indicating salient existing features of a Tract and its surroundings, with the general layout of proposal prepared in accordance with the requirements of Sections 4.1 and 5.1.

Planning Commission. The Caernarvon Township Planning Commission.

Planning Commission, County. The Lancaster County Planning Commission.

Plat. The map or Plan of a Subdivision or Land Development, whether preliminary or final.

Public Hearing. A formal meeting held pursuant to Public Notice, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and/or the Pennsylvania Municipalities Planning Code.

Public Meeting. A forum held pursuant to notice under the Sunshine Act, 65 Pa. C.S.A. § 701 et seq.

Public Notice. A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Municipality. 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

Quarrying: The extraction of minerals by surface mining.

Redevelopment. Public and/or private investment made to re-create the fabric of an area by renovating previously developed land. Replacing, remodeling, or reusing existing Buildings and Structures to accommodate New Development.

Retention Basin. A reservoir designed to retain Storm Water Runoff with its primary release of water being through the infiltration of said water into the ground.

Right-of-Way. The total width of any land reserved or dedicated as a Street, Alley or Pedestrian Way, or for any other public or private purpose, such as utility installations, storm water installations, or sanitary sewer installations.

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

Rural. Land outside of Urban and Village Growth Areas, including Agricultural Areas and natural resource areas.

Rural Business Area. An existing developed area with undeveloped Lots or the potential to expand or add uses where additional development could be accommodated rather than sprawled throughout the Rural areas.

Rural Center. An area of existing development to which New Development not directly related to the Rural economy is to be directed that otherwise would occur as scattered sprawl in Designated Rural Areas. Four types of Rural Centers are: Village Growth Areas, Crossroads Communities, Rural Business Areas, and Rural Neighborhoods.

Rural Neighborhood. An area of existing residential development within a Designated Rural Area.

Screening. Planted (or having equivalent natural growth) shrubs or trees, earthen mounds, or fencing.

Sedimentation. The process by which soil or other surface material is accumulated or deposited by wind, water or gravity.

Setback Line. See Building Setback Line.

Sewage. A substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation. The term includes any substance which constitutes pollution under The Clean Streams Law.

Sewage Facilities. A system of Sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated Sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of Sewage or other waste as recognized by the Department of Environmental Protection.

- A. *Public Sewage System.*** A publicly owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of Sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- B. *Private Community Sewage System.*** A privately owned system of piping, tanks, or other facilities serving two or more lots, which uses a method of Sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.
- C. *Community On-Lot Sewage System.*** A Sewage Facility serving two or more lots, which uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of Sewage into a soil absorption area or retaining tank.
- D. *Individual On-Lot Sewage System.*** An individual sewage system which uses a system of piping, tanks or other facilities for collecting, treating or disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.
- E. *Individual Sewage System.*** A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal.

Shared Trips. Vehicle Trips entering and exiting the Site that were using the facility on the adjacent Streets and therefore did not generate new Trips on the road.

Sight Distance. The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.

Significant Tree. Non Invasive trees with eighteen (18) inch minimum caliper measured five (5) feet above grade located outside an existing wooded area.

Site. The existing Lot of Record proposed for Land Development, including Subdivision.

Steep Slope. Those areas of land where the grade is fifteen (15) percent or greater. Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. Slope shall be measured over three (3) two (2) foot contour intervals (six (6) cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a registered Surveyor or Engineer licensed to practice in the Commonwealth of Pennsylvania.

Storm Water. Water that surfaces, flows, or collects during and subsequent to rain or snowfall.

Storm Water Management Facilities. Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, swales, watercourses and floodplains) used to implement a Storm Water management program.

Stream. A body of water flowing in a channel within a defined bed and banks.

Street. A strip of land, including the entire Right-of-Way, publicly or privately owned, serving primarily as a means of motorized and non-motorized vehicular and pedestrian travel, and furnishing access to Abutting properties which may also be used to provide space for sewers,

public utilities, storm water management facilities, shade trees, and sidewalks. This term shall include the terms avenue, boulevard, road, highway, freeway, parkway, lane, Alley, viaduct or any other way used for similar purposes. Streets shall conform to one of the following categories:

- A. *Alley (Service Street).*** A service road that provides secondary means of access to Lots. Alleys are on the same level as a Local Street, and are used in cases of narrow Lot Frontages. Alleys shall be designed to discourage through traffic. Alleys may be designed as one-lane Streets.
- B. *Arterial.*** An interregional road in the Street hierarchy system that carries vehicle traffic to and from the region as well as any through traffic, generally large volumes of high speed traffic. This Street should be a controlled access Street (designed to the Capacity analysis of the intersection (LOS) Level of Service).
- C. *Collector.*** A Street that provide connections with Local and Arterial Streets. They may serve a traffic corridor connecting villages, small boroughs, shopping points, and mining and Agricultural Areas on an intra-County or Municipal basis. Generally consisting of moderate volumes of traffic, and providing direct access to abutting properties.
- D. *Cul-de-sac.*** A Street with a single means of ingress and egress and having a turnaround. The design of the turnaround may vary.
- E. *Local.*** This classification provides direct access to adjacent land and includes connections to farms, individual residences and commercial properties, and to higher classes of highway systems.

Street Line. The Right-of-Way line of any given Street.

Street, Private - A thoroughfare including a street, road, lane, alley, court, or space which has not been offered for dedication or whose dedication was not accepted by the Township. Private streets shall not be permitted unless they meet the standards of this ordinance and the Caernarvon Township Road Ordinance.

Structure. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land. The word "structure" shall be construed where the context allows, as though followed by the words "or part thereof."

Subdivision. The division or re-division of a single Lot, Tract or Parcel of land by any means into two (2) or more Lots, Tracts, Parcels or other divisions of land, including changes in existing Lot Lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or Building, or Lot development. 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.

Subject Tract. The Site proposed for Land Development, including Subdivision.

Substantially Completed. Where, in the judgment of the Municipal 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.

Superelevation. The distance in height (Elevation) between the inside and outside edge of a banked Cartway.

Surveyor. An individual registered with the Commonwealth of Pennsylvania as authorized to measure the boundaries of Tracts of land, establish locations, and perform the requirements of a survey.

Swale. A wide shallow ditch that gathers or carries surface water.

Tie Bar. The symbol on a survey, Plan, or Plat shown as “Z” indicating common ownership of two adjacent Lots or Tracts.

Topography. The relief features or surface configurations of an area of land.

Tract. The term “Tract” is used interchangeably with the term “Lot,” particularly in the context or Subdivision, where a “Tract” is subdivided into several Lots, Parcels, units, plots, Condominiums, Tracts or interests.

“Transferable development rights,” the attaching of development rights to specified lands which are desired by a municipality to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands where more intensive development is deemed to be appropriate.

Tree Protection Zone. An area that is radial to the trunk of a tree in which no construction activity shall occur. The Tree Protection Zone shall be the distance from the trunk to the Dripline (a line marking the outer edges of the branches of the tree).

Trip. A single or one-directional motorized and/or non-motorized vehicle movement.

Unit of Occupancy. An allocation of space within a Building or Structure that is independent of other such space and that constitutes a separate use. This shall include both fee simple ownership and leaseholds.

Use: The purpose for which land, structure, sign, or a building is arranged, designed, or intended, or which either land, structure, sign, or a building is or may be used, occupied, or maintained.

Accessory Use - A use customarily incidental and subordinate to the principal use of a building or structure or principal use of the land, or a use not the principal use.

Principal Use - The main or primary purpose for which land, a structure, building, and/or sign, or use thereof is designed, arranged, or intended, or for which they may be occupied or maintained under the Zoning Ordinance.

Utility: Any utility coming under the jurisdiction of the Public Utility Commission of Pennsylvania.

Village Growth Area. An area within a Designated Rural Area that is designated as appropriate for future development and includes as traditional village core, adjacent developed portions of a township, and additional land to absorb a portion of a township’s future land use needs over a 25 year period while maintaining village scale, character, and a defined edge.

Watercourse. A permanent topographic feature, whether natural or man-made, that serves to gather and carry flowing surface water such as a permanent or intermittent Stream, a river, creek, brook, run or Swale; and which measured by the width of the channel during normal high water.

Watershed. All land and water within the confines of a drainage basin.

Wetlands. Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturate soil conditions, including swamps, marshes, bogs and similar areas.

Yard: The area between a permanent structure and property lines. Overhanging eaves, gutters, and cornices shall not be considered an infringement of the yard requirements.

Front Yard - The required open space between the street right-of-way and the principal building.

Side Yard - The required open space between any side lot line and the principal building and extending from the front line to the rear of the principal building.

Rear Yard - The required open space between the rear line of the principal building and the rear line of the lot and extending the full width of the lot.

Zoning Officer: The agent or official designated by the Board of Supervisors to administer and enforce the Caernarvon Township Zoning Ordinance.

Zoning Map: The Caernarvon Township Zoning Map, as amended.

Zoning Ordinance: The Caernarvon Township Zoning Ordinance, as amended.

ARTICLE 3 ADMINISTRATION

3.1 MODIFICATIONS

The Subdivision and Land Development ordinance requirements are minimum standards for the protection and promotion of the public health, safety, and welfare. The regulations preserve public order and establish interactions among citizens in a way that prevents a conflict of rights. The regulations ensure the uninterrupted enjoyment of rights by all of the citizenry by guiding development and growth and to permit municipalities to minimize such problems as may presently exist or which may be foreseen.

Modifications shall only be granted when consistent with the provisions of Section 503(8) of the PMPC, i.e., when the literal compliance with mandatory provisions is shown to the satisfaction of the Municipality to be unreasonable, to cause undue hardship, or where an alternative standard can be demonstrated to provide equal or better results.

3.1.1 Purpose.

The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and general welfare. If the literal compliance with any mandatory provision of these regulations is demonstrated by the Applicant to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the particular property, and if the Applicant demonstrates that an alternative proposal will provide equal or better results, the Governing Body may grant a Modification from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a Modification shall not have the effect of making null and void the purpose and/or intent of this Ordinance.

3.1.2 Procedure.

All requests for Modifications shall be made in accordance with the following procedure:

A. Application Requirements.

1. All requests for Modifications shall be made in writing and shall accompany and be a part of the Application for Development. The request shall state in detail the grounds and facts of unreasonableness or hardship on which the request is based, or the alternative standard proposed to provide equal or better results, the provision(s) of this Ordinance which are requested to be modified, and the minimum Modification necessary. (See Appendix C) The request shall be accompanied by a Plan prepared at least to the minimum standards of a Sketch Plan (see Section 5.1) and by fees for submittal established, from time to time, by Resolution of the Governing Body.
2. Should a revision to a submitted Plan require a Modification that was not apparent at the time of initial Plan submission, the request for a Modification shall be submitted in accordance with Paragraph A., above, at the time of resubmission of the Plans.

B. Review by Planning Commission.

At a scheduled Public Meeting, the Planning Commission shall review the Modification request and provide comments to the Governing Body.

C. Action by Governing Body.

At a scheduled Public Meeting, the Governing Body shall review the comments submitted by the Planning Commission, and the request to determine if the literal compliance with any mandatory provision of the Ordinance is demonstrated by the Applicant to exact undue hardship or to be unreasonable, or that an alternative standard has been demonstrated to provide equal or better results, provided that such Modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. The Applicant shall demonstrate that the alternative proposal represents the minimum Modification necessary. If the Governing Body determines that the Applicant has met his burden, it may grant a Modification from the literal compliance with the terms of this Ordinance.

D. Notification of Municipal Action.

1. After the meeting at which the Modification was reviewed, written notice of the Governing Body's action shall be sent to the following individuals:
 - (a) Landowner or his agent.
 - (b) Applicant.
 - (c) Firm that prepared the Plan.
 - (d) Any person who has submitted a request for party status, pursuant to the PMPC.
2. If the Governing Body denies the request, it will notify the above individuals, in writing, of the justification for denial. If the Governing Body grants the request, the Final Plan shall include a note that identifies the specific Modification as granted.

3.1.3 Authority to Impose Conditions.

In granting a Modification, the Governing Body or Planning Commission, as applicable, may impose such conditions, as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

3.1.4 Time Extension Modifications.

In instances where the Applicant requires additional time to resolve outstanding conditions of approval, a written request with the associated fee shall be submitted for consideration of review for the last Governing Body or Planning Commission meeting, as applicable, prior to the deadline for Plan recordation. The written request must include an explanation necessary to justify the time extension.

3.1.5 Waiver of Preliminary Plan Modifications.

In instances where the Applicant submits a Preliminary Plan and is approved for a waiver of Preliminary Plan processing, a written notification shall be provided to the Municipality Planning Commission as part of their application so that the Municipality reviews the Plan as a Final Plan and creates recording papers.

3.2 ACCEPTANCE OF CONDITIONS OF PLAN APPROVAL

When a Plan, whether Preliminary or Final, has been approved subject to conditions, and when the Applicant rejects one or all of the conditions, the Applicant shall so notify the Governing Body in writing within thirty (30) days of the date of the Governing Body's action. Such notification of rejection of one or more of the conditions of approval shall serve to automatically rescind the approval of the Plan.

Failure by the Applicant to notify the Governing Body of rejection of one or more of the conditions of approval within the time so specified shall serve as notice of acceptance of the conditions of approval and that the Applicant intends to fully comply with the conditions unless such condition is invalidated by final order of court upon appeal thereto by the Applicant.

3.3 CHALLENGES AND APPEALS

3.3.1 Right to Appeals.

Any person aggrieved by a finding, or decision of the Governing Body with respect to the approval or disapproval of a Plan or request for Modification may appeal as provided for in the Pennsylvania Municipalities Planning Code.

3.3.2 Mediation Option.

As an alternative to an adjudicatory appeal proceeding, any party entitled to appeal a decision of the Governing Body may request the utilization of mediation as an aid in resolving the dispute. Participation in mediation shall be wholly voluntary by the parties, and shall be conducted as prescribed in the Pennsylvania Municipalities Planning Code.

3.4 RECORDS

The Municipality shall keep an accurate, public record of its findings, decisions and recommendations relevant to all applications filed with it for review or approval.

3.5 FEES

3.5.1 Review Fee.

Each Subdivision or Land Development Plan application shall be accompanied by the required review fee as established and adopted resolution by the Governing Body. Fees shall be payable to the Municipality at the time of application (unless otherwise noted herein) and Plan processing, approval and recording shall not be completed until all required fees are paid. There shall be no refund or credit of fees or a portion of any fee should the Applicant withdraw the Plan during the review process or fail to receive Plan approval.

3.5.2 Professional Service Fees.

In addition to the required review fee, it is anticipated that additional expenses will be incurred by the Municipality in processing the Preliminary and/or Final Plans which are submitted or which may be required to be submitted under this Ordinance, for engineering, legal or other professional consultant expenses. If the fees are not sufficient to cover these expenses incurred in the review of said Plans, the Municipality shall notify the person submitting the Plans for review of the additional expense and shall request payment of the same. All payment requested by the Municipality for engineering, legal or other professional expense shall be the actual cost of the services incurred by the Municipality. These services shall be billed at the normal established rate for engineering or legal services provided to the Municipality.

3.5.3 Professional Service Fee Disputes.

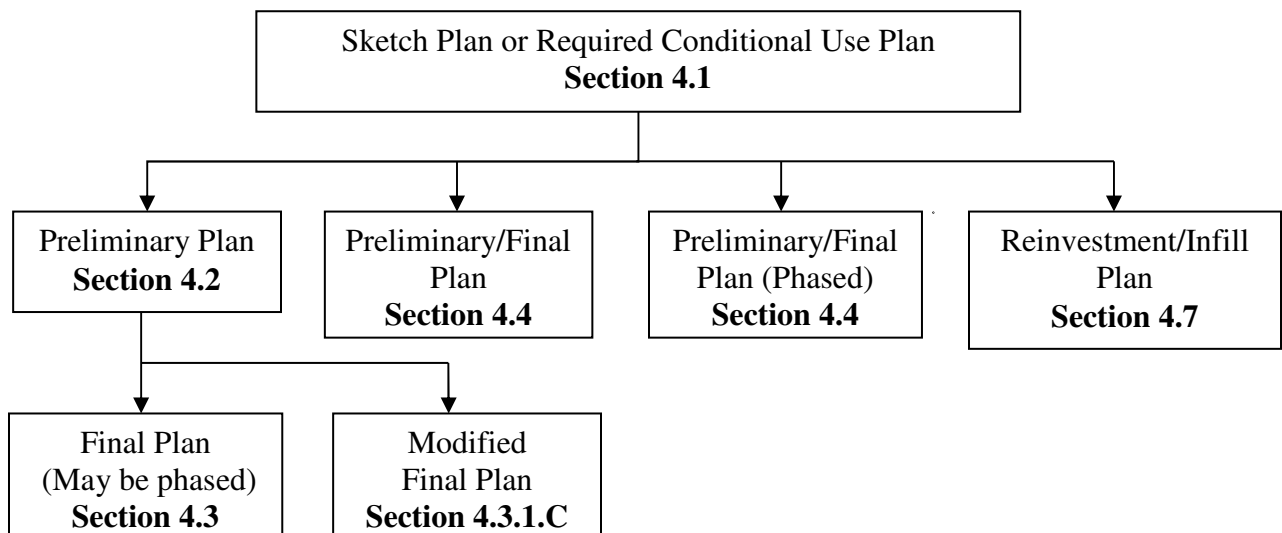
All fee disputes shall be addressed pursuant to Section 503(1) of the PMPC.

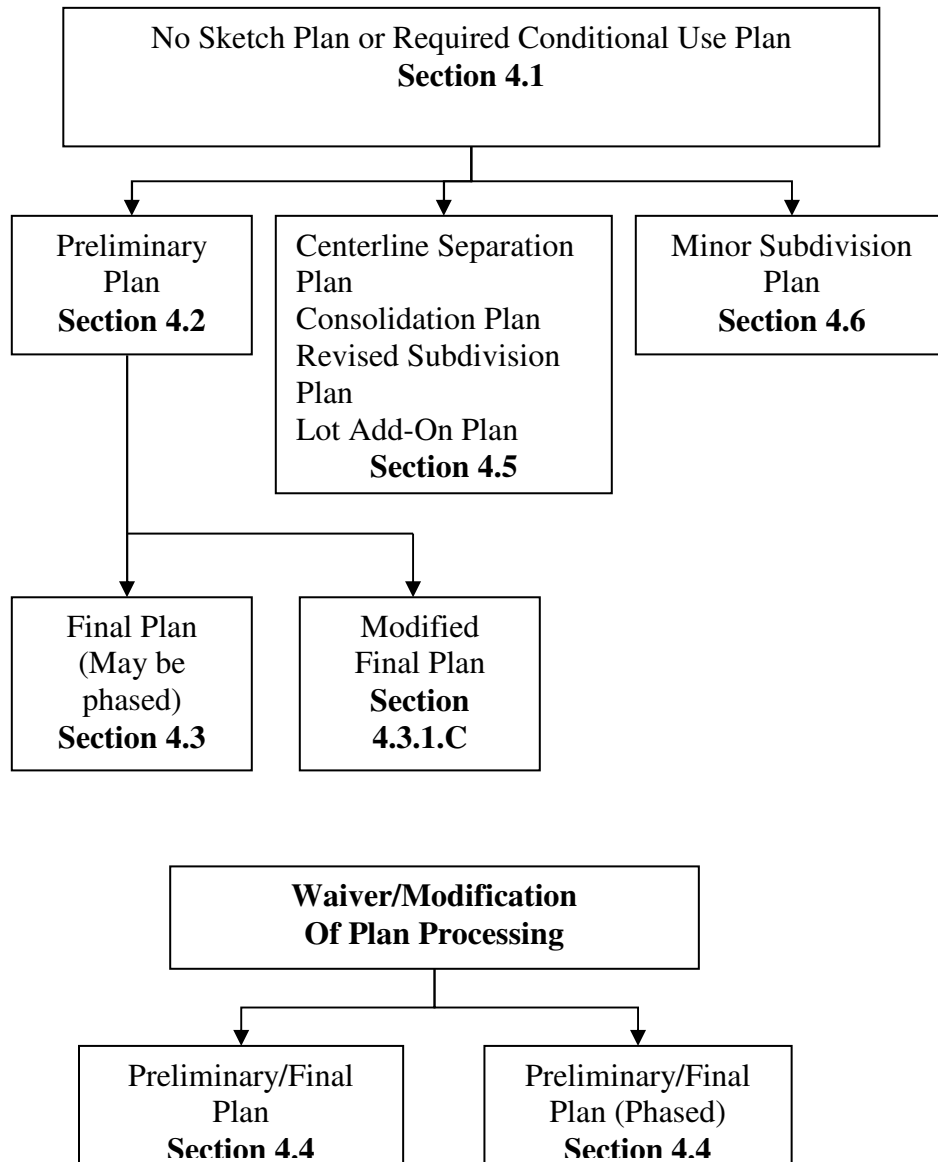
ARTICLE 4

PLAN PROCESSING PROCEDURES

4.1 SKETCH PLAN

Historically, Subdivision and Land Development Plans have been submitted and processed in steps, i.e. Preliminary Plan followed by Final Plan. This Municipality believes that certain Plans should be processed on an expedited basis without going through all of the traditional steps. This Municipality places great value on the open exchange of ideas between the Applicant and Municipality before the Applicant invests considerable time and funds in the preparation and submittal of the Applicant's Subdivision and/or Land Development Plan. The Applicant is encouraged, but not required, to initiate the Subdivision and Land Development process by initiating and completing the Sketch Plan process. The Sketch Plan shall be prepared in accordance with Article 5 and is a permissive and not a mandatory submission. The submission of the Sketch Plan would enable the Municipality to openly discuss the Applicants' Plans and project and to make recommendations for the Applicant to consider in preparing the formal submission. An Applicant who elects to take advantage of the Sketch Plan process, will, at the Applicant's option, have the right to proceed to a Preliminary/Final Plan and forego the Preliminary Plan phase/processing requirements. An Applicant who obtains conditional use approval of its project shall also have the right, at the Applicant's option, to proceed to a Preliminary/Final Plan and forego the Preliminary Plan phase/processing requirements. The Sketch Plan process is encouraged in all situations, but is not mandatory and will not prevent the Applicant from submitting a Modification request regarding Preliminary Plan processing requirements as part of its submission. The Municipality has prepared the following flow chart as a summary of the Plan processing procedures. The flow charts do not, nor shall be construed to, override or supersede the processing requirements set forth in this ordinance but are provided as an additional aid to the Applicant.





4.1.1 General.

All Applicants for Subdivision or Land Development may submit a Sketch Plan to the Municipality for review prior to submission of a formal application; however, submission of a Sketch Plan is not mandatory. Submission of a Sketch Plan does not constitute a formal Subdivision or Land Development application.

4.1.2 Plan Information.

Sketch Plan reviews are not required to be consistent with procedures of the Pennsylvania Municipalities Planning Code. Sketch Plans prepared for review and discussion should include those items listed in Section 5.1.

If the Developer accesses a Collector, Arterial, or state road, the Sketch Plan shall depict the proposed access and Frontage Improvements.

4.1.3 Submission, Meeting, and Consultant Review.

The Applicant shall submit sufficient copies of the Sketch Plan, along with any required supplemental data and an application form, to the Municipality; the requisite number of copies shall be as determined by the Governing Body. The Applicant shall schedule a review meeting with the Municipal Staff which shall include the Zoning Officer, Municipal Engineer, other persons as determined by the Municipality and/or County Community Planner. The Applicant may request that the Municipal Planning, Engineering, and/or legal consultant perform a written review of the Sketch Plan, at the Applicant's sole cost and expense. In such case, the written review shall be provided to the Applicant with copies to Municipal Staff and the Municipal Planning Commission.

4.1.4 Review by Municipality Planning Commission.

The Municipality Planning Commission shall review the Sketch Plan submission and as applicable, consultant reviews, and advise the Applicant how the proposed Subdivision or Land Development may conform or fail to conform to the requirements and objectives of this Ordinance and other applicable Plans and ordinances. The Municipality Planning Commission may then submit its written comments and recommendations to the Applicant. Said comments shall not be deemed to be an approval of any application or to vest any rights in the Applicant.

4.1.5 Review by Governing Body.

The Applicant may, but need not, request further review of the Sketch Plan submission by the Governing Body at a regularly scheduled meeting. The Governing Body may provide written comments to the Applicant. Said comments shall not be deemed to be an approval of any application or to vest any rights in the Applicant.

4.1.6 Completion of the Sketch Plan Process

After completion of the Sketch Plan Process or Conditional Use Process, the Applicant is allowed to do one of the following:

- A. Preliminary Plan submission** per Section 4.2 and then Final Plan submission per Section 4.3.
- B. Combined Preliminary /Final Plan submission.**
Plan must be titled Preliminary/Final. Plans must be processed per Sections 4.4.
- C. Combined Preliminary/Final Phased Plan submission (multi phased final).**
Plan must be titled Preliminary/Final. Plans must be processed per Section 4.4.

4.2 PRELIMINARY PLAN

4.2.1 Purpose.

The purpose of the Preliminary Plan is to require formal preliminary approval in order to, vest the Plan from changes in Municipal ordinances, phase development, and provide additional time to complete conditions of approval. With the exceptions noted in Sections 4.4 and 4.5, a Preliminary Plan is required for all applications which propose new streets, phased Land Development Plans, and Subdivision Plans of 10 or more lots.

4.2.2 Plan Requirements.

All Preliminary Plans shall be prepared in conformance with the provisions of Section 5.2 and any other applicable requirements of law.

4.2.3 Submission.

Official submission of the Preliminary Plan application to the Municipality shall consist of:

- A. Preliminary Plan.**
Four (4) copies of the Preliminary Plan, plus one (1) additional copy if the subject Site is within one (1) mile of a Municipal boundary and one (1) additional copy if the subject Site abuts a State road, and a pdf emailed to Township Secretary.
- B. Supplemental Data.**
Two (2) copies of all reports, notifications and certifications that are not provided on the Preliminary Plan, including Storm Water Management Plans and calculations.
- C. Application Form.**
One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures.
- D. Filing Fee.**
A filing fee (in accordance with the Municipality's current fee schedule) consisting of a check or money order drawn to the Municipal Treasurer.
- E. Application Completeness Review.**
All required Plans and documents and the required filing fee shall accompany a Preliminary Plan application. The Municipality shall have seven (7) days from the date of submission to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

4.2.4 Notification.

The Municipality shall refer the Application to the Planning Commission for the first review of the Application, and shall notify the following of the Preliminary Plan Application and provide a copy of the Plan and application as requested:

- A.** Municipal Engineer
- B.** Municipal Planning Commission
- C.** Lancaster County Planning Commission
- D.** Lancaster Countywide Communications
- E.** Other Municipalities when part of an Inter-Municipal Agreement
- F.** Water / Wastewater Authority, if applicable
- G.** Fire company, if applicable

4.2.5 Planning Commission Action.

In general, the Planning Commission will schedule the Preliminary Plan application for action at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. In considering the Preliminary Plan application, the Planning Commission shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies and Municipal consultants.
- B.** Determine whether the Preliminary Plan meets the requirements and objectives of this Ordinance and other applicable ordinances.
- C.** If available, review Lancaster County Planning Commission comments.
- D.** Send meeting minutes or a written report recommending approval or disapproval of the Preliminary Plan and the reasons therefore; citing the provisions of the statute or ordinance relied upon, to the following:
 - 1.** Landowner or his agent.
 - 2.** Applicant.
 - 3.** Firm that prepared the Plan.
 - 4.** Governing Body.
 - 5.** Lancaster County Planning Commission.

4.2.6 Governing Body Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Governing Body will schedule the Preliminary Plan application for action at a regularly scheduled Public Meeting. In considering the Preliminary Plan application, the Governing Body shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies for compliance to all Municipal ordinances.
- B.** Review comments from the Lancaster County Planning Commission and Municipal Planning Commission.
- C.** Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.2.7.

4.2.7 Notification of Governing Body Action.

- A. Written Notification.**

Within fifteen (15) days of the meeting at which the Preliminary Plan application is acted upon by the Governing Body, written notice of the Governing Body's action shall be sent to the following individuals:

 - 1.** Landowner or his agent.
 - 2.** Applicant.
 - 3.** Firm that prepared the Plan.
 - 4.** Lancaster County Planning Commission.

B. Disapproval of Application.

If the Preliminary Plan application is disapproved, the Governing Body will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. Failure of Governing Body to Act.

Failure of the Governing Body to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.2.8 Compliance with Governing Body Action.

If the Governing Body conditions its Preliminary Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Municipality for approval by the Governing Body within thirty (30) days of the meeting at which the Preliminary Plan application is reviewed by the Governing Body or as part of the Final Plan Application.

Failure to reject the conditions in writing by the Applicant within thirty (30) days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.2.9 Governing Body Approval and Certification.

A. Preliminary Plan Approval.

Approval of a Preliminary Plan application shall constitute approval of the proposed Subdivision and/or Land Development as to the character and intensity of development and the general arrangement of Streets, Lots, Structures and other planned facilities, but shall not constitute Final Plan approval. The Preliminary Plan may not be recorded in the office of the Lancaster County Recorder of Deeds.

B. Time Period of Approval.

Preliminary Plan approval will be effective for a five-year period from the date of the Governing Body's approval of the Preliminary Plan application; therefore, construction of a project must be Substantially Completed within five (5) years of said date unless the Governing Body grants a waiver by extending the effective time period of the approval.

4.2.10. Improvement Construction from Preliminary Plan.

In accordance with the option as set forth in Section 509 of the MPC authorizing an Applicant to complete construction of the Subdivision/Land Development improvements prior to approval and recording of a Final Plan and, hence, avoiding the requirements for the deposit with the Municipality of financial security to cover the costs of such improvements an Applicant electing to do so shall meet the following requirements;

A. Requirements.

1. The Applicant shall indicate in writing the intent to construct the Improvements prior to Final Plan approval to the Governing Body as part of the Preliminary Plan application process.
2. Plans must also receive approval, when applicable, from all authorities having jurisdiction including by way of example but not limited to, Highway Occupancy Permit, Erosion and Sedimentation Control Approval, etc.
3. The Applicant may, after receipt of acknowledgment from the Governing Body of the satisfactory completion of all conditions of Preliminary Plan approval, proceed to construct the Improvements required by this Ordinance and shown on the approved Preliminary Plan.
4. The Applicant shall complete and enter into the appropriate Developers agreement. The Applicant shall indicate the timetable for the construction of the Improvements including a schedule and Plan of the proposed phasing of sections of the Plan.
5. An As-Built Plan will be required to be recorded as the Final Plan after constructing Improvements from each phase of a Preliminary Plan.

B. Limitations.

Construction and completion of the Improvements shall not constitute permission to sell Lots or occupy proposed Buildings shown on the Plan. Such permission shall occur concurrently with the recordation of the Final Plan.

4.3 FINAL PLAN

4.3.1 General.

A. Final Plan Submission.

Applications for Final Plan approval can be submitted only after the following, when required, have been completed:

1. The Applicant has satisfied any conditions of preliminary approval which the Governing Body's Preliminary Plan Approval has required to be completed prior to the submission of a Final Plan.
2. When a Preliminary Plan is not required.
3. When a Preliminary Plan has been approved with conditions to be resolved during the Final Plan review process and the Applicant has not chosen to construct and complete the Subdivision/Land Development improvements pursuant to Section 4.2.10.

B. Final Plan Submitted in Phases.

The Final Plan may be submitted in Phases, each phase covering a reasonable portion of the entire proposed Subdivision or Land Development as shown on the approved Preliminary Plan; provided that each phase, except for the last, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the approved Preliminary Plan unless the Governing Body specifically approves a lesser percentage for one or more Phases.

C. Modified Final Plan.

The Governing Body may accept a Final Plan modified to reflect a change to the Site or its surroundings that occurs after the Preliminary Plan review. The Governing Body shall determine whether a Modified Final Plan will be accepted or whether a new Preliminary Plan shall be submitted.

4.3.2 Purpose.

The purpose of the Final Plan is to record the Subdivision and or Land Development according to state law, insure formal approval by the Governing Body before Plans are recorded, and to provide sufficient information so that the Governing Body can assure construction according to the requirements of this ordinance.

4.3.3 Plan Requirements.

All Final Plans shall be prepared in conformance with the provisions of Section 5.3 and any other applicable requirements of law.

4.3.4 Submission.

Official submission of the Final Plan application to the Municipality shall consist of:

A. Final Plan.

Four (4) copies of the Final Plan sheet(s) to be recorded, plus one (1) additional copy if the subject Site is within one (1) mile of a Municipal boundary and one (1) additional copy if the subject Site abuts a State road, and a pdf emailed to Township Secretary.

B. Supplemental Data.

Two (2) copies of all reports, notifications and certificates that are not provided on the Final Plan, including Storm Water management Plans and calculations.

C. Application Form.

One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures.

D. Filing Fee.

A filing fee (in accordance with the Municipality's current fee schedule) consisting of a check or money order drawn to the Municipal Treasurer.

E. Application Completeness Review.

All required Plans and documents and the required filing fee shall accompany a Final Plan application. The Municipality shall have seven (7) days from the date of submission of an application to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

4.3.5 Notification.

The Municipality shall refer the Application to the Municipal Planning Commission for the first review of the Application, and shall notify the following of the Final Plan Application and provide a copy of the Plan and application as requested:

- A.** Municipal Engineer
- B.** Municipal Planning Commission
- C.** Lancaster County Planning Commission
- D.** Lancaster Countywide Communications
- E.** Other Municipalities when part of an Inter-Municipal Agreement
- F.** Water / Wastewater Authority, if applicable
- G.** Fire company, if applicable

4.3.6 Planning Commission Action.

In general, the Planning Commission will schedule the Final Plan application for discussion at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. In considering the Final Plan application, the Planning Commission shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies and Municipal consultants.
- B.** Determine whether the Final Plan meets the requirements and objectives of this Ordinance and other applicable ordinances.
- C.** If available, review Lancaster County Planning Commission Comments.
- D.** Send meeting minutes or a written report recommending approval or disapproval of the Final Plan and the reasons therefore, citing the provisions of the statute or ordinance relied upon, to the following:
 - 1.** Landowner or his agent.
 - 2.** Applicant.
 - 3.** Firm that prepared the Plan.
 - 4.** Governing Body.
 - 5.** Lancaster County Planning Commission.

4.3.7 Governing Body Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed,

the Governing Body will schedule the Final Plan application for action at a regularly scheduled Public Meeting. In considering the Final Plan application, the Governing Body shall:

- A. Review and evaluate the application and all reports received from applicable reviewing agencies and consultants for compliance with all Municipal ordinances.
- B. Review comments from the Lancaster County Planning Commission and Municipal Planning Commission
- C. Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.3.8.

4.3.8 Notification of Governing Body Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Final Plan application is acted upon by the Governing Body, written notice of the Governing Body's action shall be sent to the following individuals:

- 1. Landowner or his agent.
- 2. Applicant.
- 3. Firm that prepared the Plan.
- 4. Lancaster County Planning Commission.

B. Disapproval of Application.

If the Final Plan application is disapproved, the Governing Body will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met, citing the provisions of the statute or ordinance relied upon, and/or where the Final Plan fails to meet the terms and conditions of the approved Preliminary Plan.

C. Failure of Governing Body to Act.

Failure of the Governing Body to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.3.9 Compliance with Governing Body Action.

If the Governing Body conditions its Final Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Municipality for approval by the Governing Body within thirty (30) days of the meeting at which the Final Plan application is reviewed by the Governing Body.

Failure to reject the conditions in writing by the Applicant within 30 days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.3.10 Plan Certification.

After the Final Plan has been approved by the Governing Body and the required changes, if any, are made, the Applicant shall prepare two (2) record copies and two (2) paper copies of the approved version of the Final Plan. One (1) paper copy of the Plan shall be kept in the municipal files and one (1) paper copy of the Plan shall be kept in the Lancaster County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 4.3.13.

4.3.11 Planning Commission and Governing Body Signatures Required.

Both record copies and one (1) paper copy of the approved version of the Final Plan shall be presented to the Planning Commission and/or the Governing Body for signature.

4.3.12 Lancaster County Planning Commission Signature Required.

After obtaining the required Municipal signatures, both record copies and one (1) paper copy of the approved version of the Final Plan shall be presented to the Lancaster County Planning Commission for signature.

4.3.13 Recordation.

A. Recording of Final Plan.

Upon approval and certification of a Final Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Final Plan for any Subdivision and/or Land Development may be recorded unless it bears the signature of an authorized representative of the municipality denoting approval of the Plan and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of Act 247, as amended. Unless all site improvements have been constructed and completed in accordance with Section 4.2.10 above, the Final Plan shall not be released for recording until the Applicant has provided an improvement construction guarantee in accordance with Section 6.3 hereof.

B. Time Period of Approval.

The Developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved Plat signed by the municipality, following completion of conditions imposed for such approval, whichever is later, record such Plat in the office of the recorder of Deeds per Section 513 of Act 247, as amended.

In the event the Plat is not recorded as stated above, the governing bodies' action is null and void unless the Governing Body has granted a waiver by extending the effective time period of the approval.

C. Recording Number Required.

A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Municipality before any permits are issued.

D. Reporting to GIS.

A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to Lancaster County at the time of Plan recording.

4.3.14 Prior Conveyance of Lots Prohibited.

The Final Plan shall be filed with the Lancaster County Recorder of Deeds before proceeding with the conveyance of Lots. Lots may be placed under agreement of sale prior to Plan recording but not conveyed.

4.3.15 Dedication by Recording the Final Plan.

After approval of the Final Plan by the Governing Body, the act of recording the Final Plan shall have the effect of an irrevocable offer to dedicate all Streets and other areas designated for public use, unless reserved by the Landowner as provided in Section 4.3.16. However, the approval of the Governing Body shall not impose any duty upon the Commonwealth, County, or Municipality concerning acceptance, maintenance or Improvement of any such dedicated areas or portion of same until proper authorities of the Commonwealth, County, or Municipality actually accept same by ordinance or resolution, or by entry, use or Improvement.

4.3.16 Notice of Reservation from Public Dedication.

The Landowner shall place a notation on the Final Plan when there is no offer of Dedication to the public of certain designated areas, in which event the title to such areas shall remain with the owner, and the Commonwealth, County and local authorities shall assume no right to accept ownership or Right-of-Way.

4.4 PRELIMINARY/FINAL PLAN.

4.4.1 Purpose.

Historically, Subdivision and Land Development Plans have been submitted and processed in steps, i.e. Preliminary Plan followed by Final Plan. This Municipality believes that certain Plans should be processed on an expedited basis without going through all of the traditional steps. An Applicant who elects to take advantage of the Sketch Plan process, will, at the Applicant's option, have the right to proceed to a Preliminary/Final Plan and forego the Preliminary Plan phase/processing requirements. An Applicant who obtains conditional use approval of its project shall also have the right, at the Applicant's option, to proceed to a Preliminary/Final Plan and forego the Preliminary Plan phase/processing requirements.

4.4.2 Plan Requirements.

All Preliminary/Final Plans shall be prepared in conformance with any other applicable requirements of law. Only the Plan sheets relating to the Final Plan are recorded. The entire set

of Plans is not recorded. Plans shall only be permitted when all of the following criteria are satisfied:

- A. Plan must be titled Preliminary/Final.
- B. Plans must be prepared per Section 5.3.

4.4.3 Submission.

Official submission of the Preliminary/Final Plan application to the Municipality shall consist of:

A. Preliminary/Final Plan.

Four (4) copies of the Preliminary/Final Plan, plus one (1) additional copy if the subject Site is within one (1) mile of a Municipal boundary and one (1) additional copy if the subject Site abuts a State road, and a pdf emailed to Township Secretary.

B. Supplemental Data.

Two (2) copies of all reports, notifications and certifications that are not provided on the Preliminary/Final Plan, including Storm Water management Plans and calculations.

C. Application Form.

One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures.

D. Filing Fee.

A filing fee (in accordance with the Municipality's current fee schedule) consisting of a check or money order drawn to the Municipal Treasurer.

E. Application Completeness Review.

All required Plans and documents and the required filing fee shall accompany a Preliminary/Final Plan application. The Municipality shall have seven (7) days from the date of submission to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

4.4.4 Notification.

The Municipality shall refer the Application to the Municipal Planning Commission for the first review of the Applicant, and shall notify the following of the Preliminary Plan application and provide a copy of the Plan and application as requested:

- A. Municipal Engineer
- B. Municipal Planning Commission
- C. Lancaster County Planning Commission
- D. Lancaster Countywide Communications
- E. Other Municipalities when part of an Inter-Municipal Agreement
- F. Water / Wastewater Authority, if applicable
- G. Fire company, if applicable

4.4.5 Planning Commission Action.

In general, the Planning Commission will schedule the Preliminary/Final Plan application for action at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. In considering the Preliminary/Final Plan application, the Planning Commission shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies and Municipal consultants.
- B.** Determine whether the Preliminary/Final Plan meets the requirements and objectives of this Ordinance and other applicable ordinances and planning documents.
- C.** If available, review Lancaster County Planning Commission comments.
- D.** Send meeting minutes or a written report recommending approval or disapproval of the Combined Preliminary/Final Plan and the reasons therefore; citing the provisions of the statute or ordinance relied upon, to the following:
 - 1.** Landowner or his agent.
 - 2.** Applicant.
 - 3.** Firm that prepared the Plan.
 - 4.** Governing Body.
 - 5.** Lancaster County Planning Commission.

4.4.6 Governing Body Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Governing Body will schedule the Preliminary/Final Plan application for action at a regularly scheduled Public Meeting. In considering the Preliminary/Final Plan application, the Governing Body shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies for compliance to all Municipal ordinances.
- B.** Review comments from the Lancaster County Planning Commission and Municipal Planning Commission.
- C.** Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.4.7.

4.4.7 Notification of Governing Body Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Preliminary/Final Plan application is acted upon by the Governing Body, written notice of the Governing Body's action shall be sent to the following:

- 1.** Landowner or his agent.
- 2.** Applicant.
- 3.** Firm that prepared the Plan.
- 4.** Lancaster County Planning Commission.

B. Disapproval of Application.

If the Preliminary/Final Plan application is disapproved, the Governing Body will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. Failure of Governing Body to Act.

Failure of the Governing Body to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.4.8 Compliance with Governing Body Action.

If the Governing Body conditions its Preliminary/Final Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Municipality for approval by the Governing Body within thirty (30) days of the meeting at which the Preliminary/Final Plan application is reviewed by the Governing Body.

Failure to reject the conditions in writing by the Applicant within 30 days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.4.9 Plan Certification.

After the Preliminary/Final Plan has been approved by the Governing Body and the required changes, if any, are made, the Applicant shall prepare two (2) record copies and two (2) paper copies of the approved version of the Preliminary/Final Plan. One (1) paper copy of the Plan shall be kept in the Governing Body's files and one (1) paper copy of the Plan shall be kept in the Lancaster County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 4.4.12.

4.4.10 Planning Commission and Governing Body Signatures Required.

Both record copies and one (1) paper copy of the approved version of the Preliminary/Final Plan shall be presented to the Planning Commission and, then, to the Governing Body for signature.

4.4.11 Lancaster County Planning Commission Signature Required.

After obtaining the required Municipal signatures, both record copies and one (1) paper copy of the approved version of the Preliminary/Final Plan shall be presented to the Lancaster County Planning Commission for signature.

4.4.12 Recordation.

A. Recording of Final Plan.

Upon approval and certification of a Preliminary/Final Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Preliminary/Final Plan for any Subdivision and/or Land Development may be recorded unless it bears the signature of an authorized representative of the municipality denoting approval of the Plan by the Governing Body and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of Act 247, as amended. No Preliminary/Final Plan shall be released for recording until the Applicant has complied with the requirements for posting an improvement construction guarantee in accordance with Section 6.3 hereof.

B. Time Period of Approval.

The Developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved Plat signed by the Governing Body, following completion of conditions imposed for such approval, whichever is later, record such Plat in the office of the recorder of Deeds per Section 513 of Act 247, as amended.

In the event the Plat is not recorded as stated above, the governing bodies' action is null and void unless the Governing Body has granted a waiver by extending the effective time period of the approval.

C. Recording Number Required.

A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Municipality before any permits are issued.

D. Reporting to GIS.

A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to Lancaster County at the time of Plan recording.

4.4.13 Prior Conveyance of Lots Prohibited.

The Preliminary/Final Plan shall be filed with the Lancaster County Recorder of Deeds before proceeding with the conveyance of Lots. Lots may be placed under agreement of sale prior to Plan recording but not conveyed.

4.4.14 Dedication by Recording the Preliminary/Final Plan.

After approval of the Preliminary/Final Plan by the Governing Body, the act of recording the Preliminary/Final Plan shall have the effect of an irrevocable offer to dedicate all Streets and other areas designated for public use, unless reserved by the Landowner as provided in Section 4.4.15. However, the approval of the Governing Body shall not impose any duty upon the Commonwealth, County, or Municipality concerning acceptance, maintenance or Improvement of any such dedicated areas or portion of same until proper authorities of the Commonwealth, County, or Municipality actually accept same by ordinance or resolution, or by entry, use or Improvement.

4.4.15 Notice of Reservation from Public Dedication.

The Landowner shall place a notation on the Preliminary/Final Plan when there is no offer of Dedication to the public of certain designated areas, in which event the title to such areas shall remain with the owner, and the Commonwealth, County and local authorities shall assume no right to accept ownership or Right-of-Way.

4.5 CENTERLINE SEPARATION PLAN / LOT CONSOLIDATION PLAN / REVISED SUBDIVISION PLAN / LOT ADD-ON PLAN

The following Plans shall be processed as a single submission and handled as a Final Plan: Centerline Separation Plans, Lot Consolidation Plans, Lot Add-On Plans, and Revised Subdivision Plans.

4.5.1 Plan Types.

A. Centerline Separation Plan.

The division of an existing Tract along the centerline of an existing road to create two (2) Lots whose common boundary is said centerline if it is in conformance with the criteria specified in Section 5.4.

B. Lot Consolidation Plan.

The consolidation of two or more existing Tracts to create one (1) Lot with revised Lot Lines if it is in conformance with the criteria specified in Section 5.4.

C. Revised Subdivision Plan.

Any replatting of recorded Plans due to survey corrections or revision due to survey corrections of approved Final Plans which have not yet been recorded can be made if it is in conformance with the criteria specified in Section 5.4.

D. Lot Add-On Plan.

The proposal to alter the location of Lot Lines between existing Lots of separate ownership or under the same ownership with separate Deeds for the sole purpose of increasing Lot size if it is in conformance with the criteria specified in Section 5.4.

4.5.2 Plan Criteria.

Plans shall only be permitted when all of the following criteria are satisfied:

- A.** The resultant Lots meet all requirements of the applicable zoning district.
- B.** The resultant Lots shall retain adequate access to accommodate potential development in accordance with the current zoning district regulations.
- C.** Drainage Easements or rights-of way are not altered.

- D.** Access to the affected Parcels is not altered or modified.
- E.** Street alignments are not changed.
- F.** The resultant Lots meet all previously approved sewage module requirements, including where applicable, minimum lot size.

4.5.3 Plan Requirements.

Where the above conditions are satisfactorily proven to exist, a Plan shall be prepared in conformance with the provisions of Section 5.4 and any other applicable requirements of law.

4.5.4 Submission.

Official submission of the Plan application to the Municipality shall consist of:

- A. Plan.**
Four (4) copies of the Plan sets, and a pdf emailed to Township Secretary.
- B. Application Form.**
One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures.
- C. Filing Fee.**
A filing fee (in accordance with the Municipality's current fee schedule) consisting of a check or money order drawn to the Municipal Treasurer.
- D. Written Review from the Municipal Zoning Officer.**
A written review from the Municipal Zoning Officer shall accompany the Plan application.

4.5.5 Planning Commission Action.

In general, the Planning Commission will schedule the Plan application for action at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. In considering the Plan application, the Planning Commission shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies (including LCPC action) and consultants. Determine whether the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.
- B.** Send meeting minutes or a written report recommending approval or disapproval of the Plan and the reasons therefore, citing the provisions of the statute or ordinance relied upon, to the following:
 - 1.** Landowner or his agent.

2. Applicant.
3. Firm that prepared the Plan.
4. Governing Body.
5. Lancaster County Planning Commission.

4.5.6 Governing Body Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Governing Body will schedule the Plan application for action at a regularly scheduled Public Meeting. In considering the Plan application, the Governing Body shall:

- A. Review and evaluate the application and all reports received from applicable reviewing agencies (including LCPC action). Determine whether the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.
- B. Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.5.7.

4.5.7 Notification of Governing Body Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Final Plan Application is acted upon by the Governing Body, written notice of the Governing Body's action shall be sent to the following:

1. Landowner or his agent.
2. Applicant.
3. Firm that prepared the Plan.
4. Lancaster County Planning Commission.

B. Disapproval of Application.

If the Plan application is disapproved, the Governing Body will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. Failure of Governing Body to Act.

Failure of the Governing Body to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.5.8 Compliance with Governing Body Action.

If the Governing Body conditions its Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Municipality for approval by the Governing Body within thirty (30) days of the meeting at which the Plan application is reviewed by the Governing Body.

Failure to reject the conditions in writing by the Applicant within 30 days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.5.9 Plan Certification.

After the Plan has been approved by the Governing Body and the required changes, if any, are made, the Applicant shall prepare two (2) record copies and two (2) paper copies of the approved version of the Plan. One (1) paper copy of the Plan shall be kept in the Governing Body's files and one (1) paper copy of the Plan shall be kept in the Lancaster County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 4.5.12.

4.5.10 Planning Commission and Governing Body Signatures Required.

Both record copies and one (1) paper copy of the approved version of the Plan shall be presented to the Planning Commission and, then, to the Governing Body for signature.

4.5.11 Lancaster County Planning Commission Signature Required.

After obtaining the required Municipal signatures, both record copies and one (1) paper copy of the approved version of the Plan shall be presented to the Lancaster County Planning Commission for signature.

4.5.12 Recordation of Plan and Deed.

A. Recording of the Plan.

Upon approval and certification of a Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Plan may be recorded unless it bears the signature of an authorized representative of the municipality denoting approval of the Plan by the Governing Body and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of the Act 247, as amended. In the event that the Plan requires the installation of Subdivision/Land Development improvements, then the Final Plan shall not be released for recording until the Applicant has complied with an improvements construction guarantee requirements of Section 6.3 hereof.

B. Deeds.

A copy of the Deeds to be recorded for the Subject Tract or receiving and conveying Tracts shall be submitted prior to recording of the Plan.

Recordation of such Plan does not serve to join the receiving Tract with the acreage to be conveyed. To reflect the descriptions as provided on the recorded Plan, Deeds must be recorded for the receiving and conveying Tracts.

C. Time Period of Approval.

The Developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved Plat signed by the Governing Body, following completion of conditions imposed for such approval, whichever is later, record such Plat in the office of the recorder of Deeds per Section 513 of the Act 247, as amended.

In the event the Plat is not recorded as stated above, the governing body's action is null and void unless the Governing Body granted a waiver by extending the effective time period of the approval.

D. Recording Number Required.

A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Municipality before any permits are issued.

E. Reporting to GIS.

A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to Lancaster County at the time of Plan recording.

D. Time Period for Recording Deeds.

Deeds that are to be recorded pursuant to approvals shall be recorded within one hundred and twenty (120) days following the recording of the Plan. The failure to record such Deed shall render the recording of the Plan null and void. The documents shall be recorded by the Applicant in the Recorder of Deeds Office notifying the public that the Plan as recorded is null and void or the Plan shall have a reference therein to the fact that it is null and void, unless the Deeds are recorded within said one hundred and twenty (120) days.

4.5.14 Future Development.

Any development of the Lots created through this process must follow standard Plan processing procedures as specified in this Article.

4.6 MINOR RURAL PLAN

4.6.1 Plan Purpose.

- A.** An expedited process when a Subject Tract development rights have been specifically restricted and storm water management and environmental features of the Subject Tract is not affected. To expedite the process when constructing a second residential dwelling unit on a Subject Tract that does not utilize an existing structure.

4.6.2 Plan Criteria.

Plans shall only be permitted when all of the following criteria are satisfied:

- A.** Located in an Agriculture Zone or Open Space/Conservation Zone which allows the creation of one (1) additional lot.
- B.** Development of the proposed Lots respects the particular topographic and environmental features of the Site and does not adversely impact any Environmentally Sensitive Areas such as Floodplain, Wetlands, Steep Slopes, or sinkholes. It shall be the responsibility of the professional certifying the accuracy of the Plan that such features are accurately identified and appropriately protected. However, if determined by the Municipality that the protection of such features has not been adequately demonstrated, the proposal shall be disapproved.
- C.** The proposed Lots are designed in accordance with the provisions of the applicable zoning district.
- D.** All Lots shall front on a public or Private Street and shall provide for vehicular access which does not interfere with the normal movement of traffic.
- E.** The amount of impervious area permitted on the Subject Tract shall be in accordance with the small project standards of the Municipal Stormwater Management Ordinance.
- F.** No public sewer and water service is available to the Site and the Site is not located in a present or future sewer service area as reflected by the current PA Act 537 Plan. All existing and proposed water and sewage systems shall have received the necessary approvals from DEP.
- G.** No point discharge of Runoff will result from the proposal. The Applicant shall demonstrate by submission of existing contour information and a grading Plan that Storm Water flows from the Site leave the Site in the same manner as in pre-development condition.

4.6.3 Plan Requirements.

Where the above conditions are satisfactorily proven to exist, a Plan shall be prepared in conformance with the provisions of Section 5.5 and any other applicable requirements of law.

4.6.4 Submission.

Official submission of the Plan application to the Municipality shall consist of:

- A. Plan.**
Four (4) copies of the Plan sets, and a pdf emailed to Township Secretary.
- B. Application Form.**

One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures.

C. Filing Fee.

A filing fee (in accordance with the Municipality's current fee schedule) consisting of a check or money order drawn to the Municipal Treasurer.

D. Written Review from the Municipal Zoning Officer.

A written review from the Municipal Zoning Officer shall accompany the Plan application.

E. Written Notice from the Lancaster County Conservation District.

Notification from the Lancaster County Conservation District which indicates that an acceptable Erosion and Sedimentation Control Plan has been submitted for the proposed project.

4.6.5 Planning Commission Action.

In general, the Planning Commission will schedule the Plan application for action at the first Planning Commission meeting that is at least thirty (30) days following the date of filing. In considering the Plan application, the Planning Commission shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies and consultants. Determine whether the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.
- B.** Send meeting minutes or a written report recommending approval or disapproval of the Plan and the reasons therefore, citing the provisions of the statute or ordinance relied upon, to the following:
 - 1.** Landowner or his agent.
 - 2.** Applicant.
 - 3.** Firm that prepared the Plan.
 - 4.** Governing Body.
 - 5.** Lancaster County Planning Commission.

4.6.6 Governing Body Action.

Following receipt of the Planning Commission's report and within ninety (90) days following the date of the first regular meeting of the Planning Commission after the date the application is filed, the Governing Body will schedule the Plan application for action at a regularly scheduled Public Meeting. In considering the Plan application, the Governing Body shall:

- A.** Review and evaluate the application and all reports received from applicable reviewing agencies. Determine whether the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.
- B.** Communicate the decision to the Applicant and other reviewing agencies as required in Section 4.6.7.

4.6.7 Notification of Governing Body Action.

A. Written Notification.

Within fifteen (15) days of the meeting at which the Final Plan Application is acted upon by the Governing Body, written notice of the Governing Body's action shall be sent to the following:

1. Landowner or his agent.
2. Applicant.
3. Firm that prepared the Plan.
4. Lancaster County Planning Commission.

B. Disapproval of Application.

If the Plan application is disapproved, the Governing Body will notify the above individuals, in writing, of the defects in the application and will identify the requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. Failure of Governing Body to Act.

Failure of the Governing Body to render a decision and communicate it to the Applicant within the time and manner required shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change will have a like effect.

4.6.8 Compliance with Governing Body Action.

If the Governing Body conditions its Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to the Municipality for approval by the Governing Body within thirty (30) days of the meeting at which the Plan application is reviewed by the Governing Body.

Failure to reject the conditions in writing by the Applicant within 30 days after written notification by the filing of an appeal shall constitute an acceptance of the conditions by the Applicant.

4.6.9 Plan Certification.

After the Plan has been approved by the Governing Body and the required changes, if any, are made, the Applicant shall prepare two (2) record copies and two (2) paper copies of the approved version of the Plan. One (1) paper copy of the Plan shall be kept in the Governing Body's files and one (1) paper copy of the Plan shall be kept in the Lancaster County Planning Commission's files. Both record copies of the Plan shall be certified in accordance with the provisions of Section 4.6.12.

4.6.10 Planning Commission and Governing Body Signatures Required.

Both record copies and one (1) paper copy of the approved version of the Plan shall be presented to the Planning Commission and, then, to the Governing Body for signature.

4.6.11 Lancaster County Planning Commission Signature Required.

After obtaining the required Municipal signatures, both record copies and one (1) paper copy of the approved version of the Plan shall be presented to the Lancaster County Planning Commission for signature.

4.6.12 Recordation of Plan and Deed.

A. Recording of the Plan.

Upon approval and certification of a Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Plan may be recorded unless it bears the signature of an authorized representative of the Governing Body denoting approval of the Plan by the Governing Body and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of the Act 247, as amended. In the event that the Plan requires the installation of Subdivision/Land Development improvements, then the Final Plan shall not be released for recording until the Applicant has complied with the improvements construction guarantee requirements of Section 6.3 hereof.

B. Deeds.

A copy of the Deeds to be recorded for the Subject Tract or receiving and conveying Tracts shall be submitted prior to recording of the Plan.

Recordation of such Plan does not serve to join the receiving Tract with the acreage to be conveyed. To reflect the descriptions as provided on the recorded Plan, Deeds must be recorded for the receiving and conveying Tracts.

C. Time Period of Approval.

The Developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved Plat signed by the Governing Body, following completion of conditions imposed for such approval, whichever is later, record such Plat in the office of the recorder of Deeds per Section 513 of the Act 247, as amended.

In the event the Plat is not recorded as stated above, the Governing Body's action is null and void unless the Governing Body granted a waiver by extending the effective time period of the approval.

D. Recording Number Required.

A recording number and a complete set of Plans with all signatures, stamps and seals must be provided to the Municipality before any permits are issued.

E. Reporting to GIS.

A compact disc in CAD or GIS format of the approved final plan including parcel boundaries, roads, water, sewer, utility, and building locations shall be provided to Lancaster County at the time of Plan recording.

ARTICLE 5

INFORMATION TO BE INCLUDED ON OR WITH PLANS

5.0 GENERAL

All Plans shall be prepared by an Engineer, a Surveyor or a Landscape Architect. The Plans shall show, be accompanied by, and be prepared in accordance, with this Article and shall provide sufficient design information to demonstrate conformance with the requirements of Article 8, and Article 9.

5.1 SKETCH PLAN

5.1.1 Drafting Standards.

A. Scale.

The Plan shall be clearly and legibly drawn at a standard scale of 20 to 200 feet to the inch.

B. Sheets.

If the Plan is prepared in two (2) or more drawing sheets, a key map showing the location of the sheets and a match line shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).

C. Presentation.

Plans shall be presented in a clear, legible, coherent, and organized manner.

5.1.2 Plan Information.

A. Location and Identification.

1. The name and address of the owner(s) of the Tract (or an authorized agent), the Developer/subdivider and the firm that prepared the Plan.
2. The file or project number assigned by the firm that prepared the Plan, the Plan date, and the date(s) of all Plan revisions.
3. A north arrow and a graphic scale.
4. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the Subdivision to at least two (2) intersections of road centerlines. The approximate distance to the intersection of the centerlines of the nearest improved Street intersection shall be identified.

5. If the Tract of land is located within 200 feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
6. The source of title (including the Deed, Lot, and Plan of record number) to the Subject Tract.
7. The (tax) Parcel identification number(s) for the Subject Tract.
8. If applicable, a Plan note indicating the subject property is enrolled in the Clean and Green preferential assessment program.
9. In the case of a Plan for which the Subject Tract has an Environmental Covenant, the plan shall include a plan note indicating the recording information of the Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA).

B. Existing Features.

1. Existing contours. Lancaster County Geographic Information System (GIS) Topography may be accepted.
2. The following items when located within the Subject Tract:
 - (a) The name and approximate location and approximate dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets, public utilities, Storm Water Management Facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of railroads, Buildings, environmental and topographic features, including, but not limited to, flood plains, Wetlands, quarry Sites, woodlands, habitats for threatened and endangered species, solid waste disposal areas, Historic Features, cemetery or burial sites, archeological sites, or areas with highly erosive soils.
3. When available, the following items when located within two hundred (200) feet of the Subject Tract as inventoried in the Lancaster County GIS:
 - (a) The name and approximate location and approximate dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets, public utilities, Storm Water Management Facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of railroads, Buildings, Floodplains, and Wetlands.
4. In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The application shall

include a copy the Environmental Covenant agreement and any required engineering and institutional controls.

C. Additional Information.

1. The total acreage of the entire existing Tract.
2. The zoning district and Lot size and/or density requirements of the applicable zoning regulations.
3. The approximate layout of Lots, with approximate dimensions.
4. The total number of Lots, units of occupancy, density and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
5. The approximate layout of Streets, including Cartway and Right-of-Way widths (Appendix G for reference).
6. The approximate location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, and general Storm Water facility locations.
7. Building Setback Lines.
8. A note on the Plan indicating the types of sewer or water facilities to be provided.
9. Identification of any Modifications intended to be requested.
10. A copy of any applicable zoning decisions.
11. Identification and disposition of existing Buildings and Historic Features.

5.2 PRELIMINARY PLAN

5.2.1 Drafting Standards.

A. Scale.

The Plan shall be clearly and legibly drawn at a standard scale of 20 to 100 feet to the inch.

B. Dimensions and Bearings.

The Subject Tract boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. The description shall read in a clockwise direction.

C. Survey Closure.

The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

D. Sheets.

1. Plans shall be prepared on sheets twenty-four inches by thirty-six inches (24" x 36"), or smaller.
2. If the Plan is prepared in two (2) or more sheets, a key map showing the location of the Phases shall be placed on each sheet.
3. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the Plan (e.g., Sheet 1 of 5).

E. Presentation.

Plans shall be presented in a clear, legible, coherent and organized manner.

5.2.2 Plan Information.

A. Location and Identification.

1. The proposed project name, include identifying the plan type as applicable.
2. The name and address of the owner(s) of the Tract (or an authorized agent), the Developer/subdivider and the firm that prepared the Plan. The address of the tract (if available).
3. The file or project number assigned by the firm that prepared the Plan, the Plan date, and the date(s) of all Plan revisions. All plan sheets shall bear the same revision number.
4. A north arrow, a graphic scale and a written scale.
5. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the Subdivision to at least two (2) intersections of road centerlines. All existing roads in the vicinity of the Subject Tract shall be identified. The approximate distance to the intersection of the centerlines of the nearest improved Street intersection shall be identified.
6. If the Tract of land is located within 200 feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and the Municipalities or zoning districts labeled accordingly.
7. The entire existing Tract boundary with bearings and distances. (If a Landowner is to retain a single Lot with a Lot Area in excess of ten (10) acres, the boundary of that Lot may be identified as a Deed plotting and may be drawn at any legible scale; if the remaining Lot has a Lot Area of ten (10) or less acres, it must be described to the accuracy requirements of this Ordinance.)
8. The source of title (including the Deed, Lot and Plan of record number) to the Subject Tract.
9. The (tax) Parcel identification number(s) for the Subject Tract.

10. In the case of a Plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following Plan note:

“NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended, and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner’s responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance, transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law.”

11. In the case of a Plan for which the Subject Tract has an Environmental Covenant, the plan shall include a plan note indicating the recording information of the Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA).

B. Existing Features.

1. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.
2. The location of the benchmark and a notation indicating the datum used.
3. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography (and similar topography from documented sources) will not be accepted in areas where Improvements are proposed but may be used beginning 50 feet outside the Improvement boundary.
4. The following items when located within the Subject Tract:
 - (a) The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.

- (b) The location and size of the following features and related Rights-of-Way or Easements: Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities.
- (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
- (d) The size, capacity and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows within the Subject Tract.
- (e) The Preliminary Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
- (f) In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.

5. The following items when located within two hundred (200) feet of the Subject Tract:

- (a) The location and name of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
- (b) As available, the location of Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities including the location and size of related Easements.
- (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
- (d) As available, the size, capacity, and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows to or from the Subject Tract.
- (e) The location of woodlands, habitats for endangered and threatened species, and highly erosive soils.

C. Additional Information.

1. The total acreage of the entire existing Tract.
2. Identification and disposition of existing Buildings and Historic Features.
3. The location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, Landscaping and all other significant facilities (Appendix G).
4. Building Setback Lines, with distances from the Street centerline or Street Right-of-Way line, whichever requirement is applicable under the zoning regulations.
5. Existing and proposed Easements.
6. A typical Street cross-section for each proposed Street and typical cross-section for any existing Street that will be improved as part of the application. Each cross-section shall include the entire Right-of-Way width.
7. A note on the Plan indicating the types of sewer or water facilities to be provided.
8. Identification of any Modifications granted by the Governing Body, if applicable.
9. The zoning district and Lot size and/or density requirements of the applicable zoning regulations.
10. The Street centerline profile for each proposed Street shown on the Preliminary Plan.
11. The location and material of existing Lot Line Markers along the perimeter of the entire existing Tract.
12. The layout of Lots, with approximate dimensions.
13. The total number of Lots, units of occupancy, Net Density, Gross Density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
14. The layout of Streets, including Cartway and Right-of-Way widths, and the proposed Street names.
15. Storm Water Management Plans and data designed in accordance with the Municipal Storm Water Ordinance.
16. In the case of a Plan which requires access to a highway under the jurisdiction of PennDOT (Pennsylvania Department of Transportation), the inclusion of the following Plan note:

“A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before Driveway access to a State highway is permitted. Access to the State highway

shall only be as authorized by a Highway Occupancy Permit, and the Governing Body's approval of this Plan in no way implies that such permit can be acquired.”

17. In the case for the phased installation of Improvements:

- (a)** A schedule shall be filed delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed.
- (b)** Each section in any Subdivision or Land Development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units unless the Governing Body specifically approves a lesser percentage for one or more of the sections.
- (c)** Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future Phases. Including, but not limited to Storm Water Management Facilities, Streets, and utilities.
- (d)** Except for staged construction of Streets intended to be extended in subsequent Phases, all Improvements for each section shall be installed in their permanent configuration. The final wearing course shall be carried in an Improvement guarantee until it is finally installed and inspected.
- (e)** All subsequent phased Final Plans shall be submitted within five years of the date of Governing Body action on the Preliminary Plan unless otherwise agreed upon by the Applicant and Municipality. The Developer shall take the responsibility to provide the Governing Body with reasonable notice of delays in the filing of Final Plans.
- (f)** The Applicant shall annually update the Governing Body regarding the schedule on or before the anniversary date of the Preliminary Plan approval.

D. Certificates, Notifications and Reports.

- 1.** Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate. (Appendix A)
- 2.** Provide a note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
- 3.** Any Improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the

Tract, the application shall be accompanied by a letter from the owner or lease of such Right-of-Way stating any conditions on the use of the land and the minimum Building setback and/or Right-of-Way lines.

4. Where the Subdivision or Land Development proposal will generate fifty (50) or more additional Trips to or from the Site during the development's anticipated Peak Hour, or the Governing Body indicates a need for one, a traffic impact study as required by Article 7.1 shall be submitted with the Preliminary Plan.
5. Where the land included in the subject application has an agricultural, woodland, or other natural resource Easement located within the Tract, the application shall be accompanied by a letter from the party holding the Easement stating any conditions on the use of the land.
6. Where areas are reserved for Future Access Strip usage, provide a Plan note indicating that Future Access Strip reservations are intended to be used in the future.
7. Statement indicating the presence or absence of wetlands along with the name, address and signature of the individual responsible for the determination.

5.2.3 Construction from Preliminary Plan.

- A. An appropriately executed Memorandum of Understanding (Appendix D).
- B. Posting of all appropriately executed Financial Securities.
- C. Written notices of approval by outside agencies, if applicable:
 1. Notification from the Pennsylvania Department of Transportation (PennDOT) that approval of the Highway Occupancy Permit (HOP) has been granted.
 2. Notification from LCCD (Lancaster County Conservation District) that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency.
 3. Notification from DEP (Department of Environmental Protection) that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.

5.3 FINAL PLAN and PRELIMINARY/FINAL PLAN

5.3.1 Drafting Standards.

The same drafting standards shall be required for a Final Plan as specified for a Preliminary Plan in Section 5.2.1.

5.3.2 Plan Information.

A. Location and Identification.

The same location and identification standards shall be required for a Final Plan as specified for a Preliminary Plan in Section 5.2.2.A.

B. Existing Features.

1. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.
2. The location of the benchmark and a notation indicating the datum used.
3. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography (and similar topography from documented sources) will not be accepted in areas where Improvements are proposed but may be used beginning 50 feet outside the Improvement boundary.
4. The following items when located within the Subject Tract:
 - (a) The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) The location and size of the following features and related Rights-of-Way or Easements: Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities. This information may be provided on separate sheets and need not be recorded with the Final Plan.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) The size, capacity and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows on the Subject Tract.
 - (e) The Final Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - (f) In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA),

the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.

5. The following items when located within two hundred (200) feet of the Subject Tract:
 - (a) The location and name of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) As available, the location of Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities including the location and size of related Easements.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) The size, capacity, and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows to or from the Subject Tract.
 - (e) The location of woodlands, habitats for threatened and endangered species, and highly erosive soils.

C. Additional Information.

1. The total acreage of the entire existing Tract.
2. Identification and disposition of existing Buildings and Historic Features.
3. The location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, Landscaping, and all other significant facilities (Appendix G for reference).
4. Building Setback Lines, with distances from the Street centerline or Street Right-of-Way line, whichever requirement is applicable under the zoning regulations.
5. Existing and proposed Easements.
6. A typical Street cross-section for each proposed Street and a typical cross-section for any existing Street that will be improved as part of the application. Each cross-section shall include the entire Right-of-Way width.
7. A note on the Plan indicating the types of sewer or water facilities to be provided.
8. Identification of any Modifications granted by the Governing Body, if applicable.

9. The zoning district, applicable zoning regulations, Net and Gross Density, the total number of Lots, units of occupancy, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
10. A complete description of the centerline and the Right-of-Way line for all new Streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.
11. The location and material of all proposed and existing permanent Monuments and Lot Line Markers, including a note that all proposed Monuments and Lot Line Markers are set or indicating when and by whom they will be set.
12. Lot Lines, with accurate bearings and distances, and Lot Areas for all Parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing Street Rights-of-Way, the description may utilize the existing Deed lines or road centerlines; along all proposed Street Rights-of-Way, the description shall be prepared to the Right-of-Way lines.
13. The final vertical and horizontal alignment for each proposed Street and Access Drive. All profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline, and the length of all proposed vertical curves. This information may be provided on separate sheets and is not subject to recording with the Final Plan.
14. A grading Plan, which shall include finished land contours and grades, directions of water movement, type of soils, location of water bars or silt fences and ground Floor Elevations. This information may be provided on separate sheets and is not subject to recording with the Final Plan.
15. Identification of any lands to be dedicated or reserved for public, semi-public or community use.
16. The final Street names as approved by Lancaster County-Wide Communications.
17. In the case for the phased installation of Improvements:
 - (a) A schedule shall be filed delineating all proposed sections as well as dates within which applications for Final Plan approval of each section are intended to be filed.
 - (b) Each section in any Subdivision or Land Development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of units unless the Governing Body specifically approves a lesser percentage for one or more of the sections.
 - (c) Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future Phases. For example, but not limited to, Storm Water Management Facilities, Streets, and utilities.

- (d) Except for staged construction of Streets intended to be extended in subsequent Phases, all Improvements for each section shall be installed to the extent where they provide their intended services. The final wearing course shall be carried in an Improvement guarantee until it is finally installed and inspected.
- (e) It is not necessary for construction in one section to be completed before the next section to be submitted or constructed.
- (f) In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on, or before, the anniversary of the preliminary plat approval until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.

D. Certificates, Notifications and Reports.

- 1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate. (Appendix A)
- 2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the Landowner, to the effect that the Subdivision or Land Development shown on the Plan is the act and the Deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan. (Appendix A)
- 3. Certificate for approval by the Governing Body. (Appendix A)
- 4. Certificate of notification to be signed by the Lancaster County Planning Commission. (Appendix A)
- 5. Certificate to accommodate the Lancaster County Recorder of Deeds information.
- 6. A note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
- 7. Written notice from Lancaster County-Wide Communications stating that the proposed Street names are acceptable (See Appendix E).
- 8. Certificate of Dedication of Streets and other public property, if applicable.

9. A note to be placed on the Plan indicating any area that is not to be offered for Dedication, if applicable.
10. In the case of a Plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following Plan note:

“A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before Driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Governing Body's approval of this Plan in no way implies that such permit can be acquired.”
11. Any Improvement that encroaches upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the Tract, the application shall be accompanied by a letter from the owner or lessee of such Right-of-Way stating any conditions on the use of the land, the minimum building setback and/or Right-of-Way lines, and the centerline of such line.
12. Where the land included in the subject application has agricultural, woodland, or other natural resource Easement located within the Tract, the application shall be accompanied by a copy of the agreement from the party holding the Easement stating any conditions on the use of the land.
13. Where areas are reserved for Future Access Strip usage, provide a Plan note indicating that Future Access Strip reservations are intended to be used in the future.
14. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority standards).
15. Statement indicating the presence or absence of wetlands along with the name, address and signature of the individual responsible for the determination.

5.3.3 As Condition of Recording a Final Plan:

- A. An appropriately executed Memorandum of Understanding (Appendix D and D-1).
- B. Posting of all appropriately executed Financial Securities (Section 6.3).
- C. Written notices of approval by outside agencies, if applicable:
 1. When applicable, notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.

2. When required, notification from the Lancaster County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency:
 3. When applicable, notification from the Pennsylvania Department of Transportation (PennDOT) that approval of the Highway Occupancy Permit (HOP) has been granted.
 4. When applicable, notification from any water or sewer supplier that agreements have been reached concerning all legal matters applicable to the provision of potable water and sanitary Sewage for the project.
- D.** A controlling agreement when an application proposes to establish a Street which is not offered for Dedication to the public use.

5.4 CENTERLINE SEPARATION PLANS & LOT ADD-ON PLANS & LOT CONSOLIDATION PLANS & REVISED SUBDIVISION PLANS

5.4.1 General.

Plans shall be prepared by a registered Surveyor and shall be subject to the requirements of this Section.

5.4.2 Drafting Standards.

A. Scale and Sheet Size.

The Plan shall be clearly and legibly drawn at a standard scale of 20 to 100 feet to the inch. Plans shall be prepared on sheets twenty-four inches by thirty-six inches (24" x 36"), or smaller.

B. Dimensions.

Boundary dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds with an error of closure no greater than one (1) foot in ten thousand (10,000) feet.

5.4.3 Plan Information.

The following information shall be provided on the sheet to be recorded:

A. Location and Identification.

1. The project name, include identifying the plan type as applicable.
2. The names and address of the owner(s) of the Tracts and all adjacent Landowners affected by the proposed conveyance. The address of the tract if different than the owners address.

3. The name and address of the firm that prepared the Plan, the file or project number assigned by the firm, the Plan date, and the date(s) of all Plan revisions.
4. A north arrow, a graphic scale and a written scale.
5. A location map, at a scale not less than one inch equals two thousand feet (1"=2,000'), with sufficient information to locate the specific property involved. All existing roads in the vicinity of the Subject Tract shall be identified.
6. If the Tract of land is located in the vicinity of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and the areas labeled as applicable.
7. The source of title (including the Deed, Lot and Plan of record number) to both the receiving and conveying Tracts.
8. The (tax) Parcel identification number(s) for the Subject Tract.
9. In the case of a Plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following Plan note:

“NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended, and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner's responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance, transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law.”
10. Tie Bars indicating Parcels to be joined-in-common.
11. In the case of a Plan for which the Subject Tract has an Environmental Covenant, the plan shall include a plan note indicating the recording information of the Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act no. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA).

B. Existing Features.

1. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for projects adjacent to either the receiving or conveying Tract.
2. The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets on or adjacent to both the receiving and conveying Tracts.
3. The location of the following features and any related Rights-of-Way on both the receiving and conveying Tracts: Buildings, utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, Storm Water Management Facilities, telecommunications, electric, gas and oil transmission lines, and railroads.
4. In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.

C. Additional Information.

1. The total acreage, total number of Lots, density of development, present zoning classification and minimum Lot Area requirements.
2. An accurate description of the Parcel to be conveyed. If the remainder of the conveying Tract has a Lot Area of ten (10) acres or less, it must also be described to the accuracy requirements of this Ordinance. If the remaining acreage is in excess of ten (10) acres, its boundary and the boundary of the receiving Tract shall be described by Deed plottings drawn at a legible scale.
3. Location and material of all permanent Monuments and Lot Line Markers, including a note indicating when they will be set.
4. Identification of any Modifications granted by the Governing Body, if applicable.
5. The location of sight triangle Easements and safe stopping distance at all Street and Driveway intersections in accordance with the latest edition of the Pennsylvania Department of Transportation Design Manual.
6. Building Setback Lines, with distances from the Street centerline or Street Right-of-Way line, whichever requirement is applicable under the zoning regulations.

D. Certificates and Notifications.

1. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the owner of the receiving Tract, to the effect that the conveyance as shown on the Plan is in accordance with the intent

of the Landowner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan. (Appendix A)

2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the owner of the conveying Tract, to the effect that the conveyance as shown on the Plan is in accordance with the intent of the Landowner, that all those signing are all of the owners of the property shown on the Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan. (Appendix A)
3. Certificate, signature and seal of the Surveyor to the effect that the survey is correct and that all Plan information is accurate. (Appendix A)
4. Certificate for approval by the Governing Body. (Appendix A)
5. Certificate of notification to be signed by the Lancaster County Planning Commission. (Appendix A)
6. Certificate to accommodate the Lancaster County Recorder of Deeds information.
7. In the case of a Plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following Plan note:

“A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before Driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Governing Body's approval of this Plan in no way implies that such permit can be acquired.”

5.5 MINOR PLANS

5.5.1 Drafting Standards.

The same drafting standards shall be required for a Minor Plan as specified for a Preliminary Plan in Section 5.2.1.

5.5.2 Plan Information.

A. Location and Identification.

The same location and identification standards shall be required for a Minor Plan as specified for a Preliminary Plan in Section 5.2.2.A.

B. Existing Features.

1. A Deed plotting of the Subject Tract at a scale not less than 1" = 400 feet which accurately identifies the configuration and acreage, as well as the location of all Structures, Floodplain, Drainage Easements, points of ingress and egress, Easements, and sewer and water facilities.
2. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.
3. The location of the benchmark and a notation indicating the datum used.
4. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography will not be accepted in areas where Improvements are proposed but may be used beginning 50 feet outside the Improvement boundary.
5. The following items when located within the Subject Tract:
 - (a) The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) The location and size of the following features and related Rights-of-Way or Easements: Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities. This information may be provided on separate sheets and need not be recorded with the Minor Plan.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) The size, capacity and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows on the Subject Tract.
 - (e) The Minor Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - (f) In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include, if applicable, the specific boundary limits of any

contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.

6. The following items when located within two hundred (200) feet of the Subject Tract:
 - (a) The location and name of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) As available, the location of Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities including the location and size of related Easements.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) As available, the size, capacity, and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows to or from the Subject Tract.
 - (e) As available, the location of woodlands, habitats for threatened and endangered species, and highly erosive soils.

C. Additional Information.

1. The total acreage of the entire existing Tract.
2. Identification and disposition of existing Buildings and Historic Features.
3. The location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, Landscaping, and all other significant facilities.
4. Building Setback Lines, with distances from the Street centerline or Street Right-of-Way line, whichever requirement is applicable under the zoning regulations.
5. Existing and proposed Easements.
6. A note on the Plan indicating the types of sewer or water facilities to be provided.
7. Identification of any Modifications granted by the Governing Body, if applicable.
8. The zoning district, applicable zoning regulations, Net and Gross Density, the total number of Lots, units of occupancy, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
9. The location and material of all proposed and existing permanent Monuments and Lot Line Markers, including a note that all proposed Monuments and Lot Line Markers are set or indicating when and by whom they will be set.

10. Lot Lines, with accurate bearings and distances, and Lot Areas for all Parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing Street Rights-of-Way, the description may utilize the existing Deed lines or road centerlines; along all proposed Street Rights-of-Way, the description shall be prepared to the Right-of-Way lines.
11. On and within 200 feet of the Lots proposed for development, identify the location of all proposed Structures, existing Floodplain, Drainage Easements, points of ingress and egress, Easements, and sewer and water facilities.
12. The capacity and condition of all Storm Water Management Facilities located on, and within, two hundred (200') feet of the Lots proposed to be developed must be identified. Any adverse impact to such facilities resulting from increased flows from the Site must be addressed in conformance with the provisions of Municipal Storm Water management regulations.
13. Identification of any lands to be dedicated or reserved for public, semi-public or community use.

D. Certificates, Notifications and Reports.

1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate. (Appendix A)
2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the Landowner, to the effect that the Subdivision or Land Development shown on the Plan is the act and the Deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan. (Appendix A)
3. Certificate for approval by the Governing Body. (Appendix A)
4. Certificate of notification to be signed by the Lancaster County Planning Commission. (Appendix A)
5. A note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
6. Certificate of Dedication of Streets and other public property, if applicable.
7. A note to be placed on the Plan indicating any area that is not to be offered for Dedication, if applicable.

8. In the case of a Plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following Plan note:

“A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before Driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Governing Body's approval of this Plan in no way implies that such permit can be acquired.”
9. Any Improvement that encroach upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the Tract, the application shall be accompanied by a letter from the owner or lessee of such Right-of-Way stating any conditions on the use of the land, the minimum Building setback and/or Right-of-Way lines, and the centerline of such line.
10. Where the land included in the subject application has agricultural woodland or other natural resource Easement located within the Tract, the application shall be accompanied by a copy of the agreement from the party holding the Easement stating any conditions on the use of the land.
11. Where areas are reserved for Future Access Strip usage, provide a Plan note indicating that Future Access Strip reservations are intended to be used in the future.
12. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority standards).

5.5.3 Condition of Recording a Minor Subdivision Plan:

- A. An appropriately executed Memorandum of Understanding (Appendix D) and, if applicable, financial security (Appendix D-1) in accordance with Section 6.3.
- B. Written notices of approval by outside agencies, if applicable:
 1. When applicable, notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.
 2. When required, notification from the Lancaster County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency:
 3. When applicable, notification from the Pennsylvania Department of Transportation (PennDOT) that approval of the Highway Occupancy Permit (HOP) has been granted.

4. When applicable, notification from any water or sewer supplier that agreements have been reached concerning all legal matters applicable to the provision of potable water and sanitary Sewage for the project.

ARTICLE 6

ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

6.1 IMPROVEMENTS REQUIRED

Equivalent MPC, 18th Edition, Sections 509(a) and 509(1)

No Plat shall be finally approved unless the Streets shown on such Plat have been improved to a mud free or otherwise permanently passable condition, or improved as may be required by the Subdivision and Land Development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other Improvements as may be required by the Subdivision and Land Development ordinance have been installed in accordance with such ordinance. In lieu of the completion of any Improvements required as a condition for the final approval of a Plat, including Improvements or fees required to pursuant to Act 247 Section 509(i), the deposit with the Municipality of financial security in an amount sufficient to cover the costs of such Improvements or common amenities including, but not limited to, roads, Storm Water detention and/or Retention Basins and other related drainage facilities, recreational facilities, open space Improvements, or Buffer or screen plantings which may be required.

The Applicant shall not be required to provide financial security for the costs of any Improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a highway occupancy permit pursuant to section 420 of the act of June 1, 1945 (p.L.1242, No. 428) known as the "State Highway Law."

If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or Municipal authority separate and distinct from the Municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or Municipal authority and shall not be included within the financial security as otherwise required by this section.

6.2 PLAN IMPROVEMENTS

6.2.1 Recorded Plan Approval.

Equivalent MPC, 18th Edition, Sections 509(b)

When requested by the Developer, in order to facilitate financing, the Governing Body or the planning agency, if designated, shall furnish the Developer with a signed copy of a resolution indicating approval of the final Plat contingent upon the Developer obtaining a satisfactory financial security. The final Plat or Record Plan shall not be signed nor recorded until the financial Improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by the Governing Body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Developer.

6.2.2 Review Fees.

Equivalent MPC, 18th Edition, Sections 503(1)

Review fees may include reasonable and necessary charges by the Municipality's professional consultants for review and report thereon to the Municipality. Such review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the Municipality for services which are not reimbursed or otherwise imposed on Applicants. Fees charged to the Municipality relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an Applicant.

6.2.3 Protection of Final Phases.

Equivalent MPC, 18th Edition, Section 509(i)

In the case where development is projected over a period of years, the Governing Body or the planning agency may authorize submission of final Plats by section or stages of development subject to such requirements or guarantees as to Improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

6.3 IMPROVEMENT CONSTRUCTION GUARANTEE

6.3.1 Form of Financial Security.

Equivalent MPC, 18th Edition, Sections 509(c), 509(d), and 509(e)

Without limitation as to other types of financial security which the Municipality may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.

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

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

6.3.2 Amount of Guarantee.

A. Amount of Financial Security Required.

Equivalent MPC, 18th Edition, Section 509(f)

The amount of financial security to be posted for the completion of the required Improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the Developer. Annually, the Municipality may adjust the amount of the financial security by comparing the actual cost of the Improvements which have been completed and the estimated cost for the

completion of the remaining Improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Municipality may require the Developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the Developer in accordance with this subsection.

B. Estimate of the Cost of Completion.

Equivalent MPC, 18th Edition, Section 509(g)

The amount of financial security required shall be based upon an estimate of the cost of completion of the required Improvements, submitted by an Applicant or Developer and prepared by a professional Engineer licensed as such in this Commonwealth and certified by such Engineer to be a fair and reasonable estimate of such cost. The Municipality, upon the recommendation of the Municipal Engineer, may refuse to accept such estimate for good cause shown. If the Applicant or Developer and the Municipality are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional Engineer licensed as such in this Commonwealth and chosen mutually by the Municipality and the Applicant or Developer. The estimate certified by the third Engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third Engineer is so chosen, fees for the services of said Engineer shall be paid equally by the Municipality and the Applicant or Developer.

C. Additional Time for Completion.

Equivalent MPC, 18th Edition, Section 509(h)

If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required Improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required Improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

6.4 INSPECTION OF IMPROVEMENTS

The Developer shall contact the inspecting Engineer to coordinate the construction observation schedule, notification procedures, and other related Improvement guarantee administration topics and to determine the need for an on-Site, pre-construction meeting. The Developer shall contact the inspecting Engineer prior to the construction of Site Improvements.

6.4.1. Inspection of Improvements.

Equivalent MPC, 18th Edition, Sections 510(a) and 510(g)(1)

When the Developer has completed all of the necessary and appropriate Improvements, the Developer shall notify the Municipal Governing Body, in writing, by certified or registered mail, of the completion of the aforesaid Improvements and shall send a copy thereof to the Municipal Engineer. The Municipal Governing Body shall, within ten days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid Improvements. The Municipal Engineer shall, thereupon, file a report, in writing, with the Municipal Governing Body, and shall promptly mail a copy of the same to the Developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Municipal Engineer of

the aforesaid authorization from the Governing Body, said report shall be detailed and shall indicate approval or rejection of said Improvements, either in whole or in part, and if said Improvements, or any portion thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such non approval or rejection.

The Governing Body shall submit to the Applicant an itemized bill showing the work performed in connection with the inspection of Improvements performed, identifying the person performing the services and the time and date spent for each task. In the event the applicant disputes the amount of any such expense in connection with the inspection of Improvements, the applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, notify the Municipality and the Municipality's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Municipality shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 30 days shall be a waiver of the applicant's right to arbitration of that bill under this section.

6.4.2. Acceptance of Improvements.

Equivalent MPC, 18th Edition, Sections 510(b) and 510(c)

The Municipal Governing Body shall notify the Developer, within 15 days of receipt of the Engineer's report, in writing by certified or registered mail of the action of said Municipal Governing Body with relation thereto.

If the Municipal Governing Body or the Municipal Engineer fails to comply with the time limitation provisions contained herein, all Improvements will be deemed to have been approved and the Developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

6.4.3. Municipality Does Not Accept Improvements.

Equivalent MPC, 18th Edition, Section 510(d)

If any portion of the said Improvements shall not be approved or shall be rejected by the Municipal Governing Body, the Developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

6.4.4. Duplication of Inspections.

Equivalent MPC, 18th Edition, Section 510(g)

The Municipality may prescribe that the Applicant shall reimburse the Municipality for the reasonable and necessary expense incurred in connection with the inspection of Improvements. The Applicant shall not be required to reimburse the Governing Body for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting Applicant. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Municipality's professional consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the professional

consultant to the Municipality for comparable services when fees are not reimbursed or otherwise imposed on Applicants.

6.4.5 Inspection Expenses Disputed.

A. Disputed Engineer Expenses.

Equivalent MPC, 18th Edition, Section 510(1)

In the event the Applicant disputes the amount of any such expense in connection with the inspection of Improvements, the Applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, notify the Municipality and the Municipality's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the Municipality shall not delay or disapprove a request for release of financial security, a Subdivision or Land Development application or any approval or permit related to development due to the Applicant's dispute of inspection expenses. Failure of the Applicant to dispute a bill within 30 days shall be a waiver of the Applicant's right to arbitration of that bill under this section.

B. Appointment of Third-Party Professional Engineer by Mutual Agreement.

Equivalent MPC, 18th Edition, Section 510(g)(2)

If, the professional consultant and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant shall have the right, within 45 days of the transmittal of the final bill or supplement to the final bill to the Applicant, to request the appointment of another professional consultant to serve as an arbitrator. The Applicant and professional consultant whose fees are being challenged shall by mutual agreement, appoint another professional consultant to review any bills the Applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

C. Determination of Third-Party Professional Engineer.

Equivalent MPC, 18th Edition, Section 510(g)(3)

The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the Applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days. In the event the Municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.

D. Appointment of Third-Party Professional Engineer by Court.

Equivalent MPC, 18th Edition, Section 510(g)(4)

In the event that the Municipality's professional consultant and Applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of

Common Pleas of the judicial district in which the Municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the Municipality's professional consultant nor any professional consultant who has been retained by, or performed services for, the Municipality or the Applicant within the preceding five years.

E. Payment of Fee for Third-Party Professional Engineer.

Equivalent MPC, 18th Edition, Section 510(g)(5)

The fee of the arbitrator shall be paid by the Applicant if the review fee charged is sustained by the arbitrator, otherwise it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the Applicant or the professional consultant. The Governing Body and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

6.5 RELEASE OF FUNDS

6.5.1 Partial Release of Funds.

Equivalent MPC, 18th Edition, Section 509(j)

As the work of installing the required Improvements proceeds, the party posting the financial security may request the Governing Body to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Governing Body, and the Governing Body shall have 45 days from receipt of such request within which to allow the Municipal Engineer to certify, in writing, to the Governing Body that such portion of the work upon the Improvements has been completed in accordance with the approved Plat. Upon such certification the Governing Body shall authorize release by the bonding company or lending institution of an amount as estimated by the Municipal Engineer fairly representing the value of the Improvements completed or, if the Governing Body fails to act within said 45-day period, the Governing Body shall be deemed to have approved the release of funds as requested. The Governing Body may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid Improvements.

6.5.2. Final Release.

Equivalent MPC, 18th Edition, Section 510(g)(1.1)

Subsequent to the final release of financial security for completion of Improvements for a Subdivision or Land Development, or any phase thereof, the professional consultant shall submit to the Governing Body a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

6.5.3 Remedies to Effect Completion of Improvements.

Equivalent MPC, 18th Edition, Section 511)

In the event that any Improvements which may be required have not been installed as provided in the Subdivision and Land Development ordinance or in accord with the approved final Plat the Governing Body of the Municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other

security are insufficient to pay the cost of installing or making repairs or corrections to all the Improvements covered by said security, the Governing Body of the Municipality may, at its option, install part of such Improvements in all or part of the Subdivision or Land Development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the Improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the Developer, or both, shall be used solely for the installation of the Improvements covered by such security, and not for any other Municipal purpose.

6.6 MUNICIPAL PERMITS

Equivalent MPC, 18th Edition, Section 509(m)

If financial security has been provided in lieu of the completion of Improvements required as a condition for the final approval of a Plat as set forth in this section, the Municipality shall not condition the issuance of Building, grading or other permits relating to the erection or placement of Improvements, including Buildings, upon the Lots or land as depicted upon the final Plat upon actual completion of the Improvements depicted upon the approved final Plat. Moreover, if said financial security has been provided, occupancy permits for any Building or Buildings to be erected shall not be withheld following: the Improvement of the Streets providing access to and from existing public roads to such Building or Buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other Improvements as depicted upon the approved Plat, either upon the Lot or Lots or beyond the Lot or Lots in question if such Improvements are necessary for the reasonable use of or occupancy of the Building or Buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

6.7 MAINTENANCE GUARANTEE

Equivalent MPC, 18th Edition, Section 509(k)

Where the Governing Body accepts Dedication of all or some of the required Improvements following completion, the Governing Body may require the posting of 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 Plat for a term not to exceed 18 months from the date of acceptance of Dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such Improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said Improvements.

ARTICLE 7

SUPPLEMENTAL REQUIREMENTS, TESTS, & STUDIES

7.1 TRAFFIC IMPACT STUDY

7.1.1 Study Required.

A. Abbreviated Traffic Impact Study.

Whenever a proposed project will generate fifty to ninety nine (50-99) new vehicle Trips in the peak direction (inbound or outbound) during the Site peak traffic hour, the Applicant shall perform an abbreviated traffic impact study. Based on this study, certain Improvements may be identified as necessary to provide safe and efficient access to the development. The abbreviated traffic impact study shall include:

1. A Capacity analysis report prepared under the supervision of a qualified and experienced transportation Engineer.
2. The study area for the Capacity analysis report shall only include all proposed intersections.

B. Comprehensive Traffic Impact Study.

Whenever a proposed project will generate one hundred (100) or more new vehicle Trips in the peak direction (inbound or outbound) during the Site peak traffic hour, the Applicant shall perform a comprehensive traffic impact study. Based on this study, certain Improvements may be identified as necessary to provide safe and efficient access to the development.

Transportation demand management measures such as staggered start and end work times, telecommuting, utilization of transit, greenway or trail linkages, park and ride Lots, etc. may be used to reduce Trip generation for the proposed development. If such measures will reduce the new vehicle Trips in the peak direction during the peak traffic hour to less than one hundred (100), than an abbreviated traffic impact study may be performed in lieu of a comprehensive study. When such Trip reduction measures are used to justify performance of an abbreviated study as permitted by this section, a Developer and successors shall be bound by a recorded agreement to implement such measures. The terms and form of agreement shall be as mutually agreed upon by the Municipality and the Developers.

C. In addition, a comprehensive traffic impact study shall be prepared at the discretion of the Municipality whenever either of the following conditions exists within the impact study area:

1. Current traffic problems exist in the local area, such as a high crash location, confusing intersection, or a congested intersection that directly affects access to the development.
2. The ability of the existing roadway system to handle increased traffic or the feasibility of improving the roadway system to handle increased traffic is limited.

7.1.2 Traffic Impact Study Requirements

A. Area of Traffic Impact Study.

The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the Site or have direct impact upon the access to the Site. The intersections shall be mutually agreed upon by the Municipality and the transportation Engineer preparing the study.

B. Preparation by Transportation Engineer Required.

Traffic impact studies shall be prepared by or under the supervision of qualified and experienced transportation Engineers with specific training in traffic and transportation engineering and at least two (2) years of experience related to preparing traffic studies for existing or proposed developments.

C. Horizon Year.

The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full build out and occupancy. This year shall be referred to as the "Horizon Year."

D. Non-Site Traffic Estimates.

Estimates of Non-Site Traffic shall be made, and will consist of through motorized and non-motorized traffic and motorized and non-motorized traffic generated by all other developments within the study area for which Preliminary or Final Plans have been approved. Non-Site Traffic may be estimated using any one of the following three methods: "Build-up" technique, area transportation Plan data or modeled volumes, and trends or growth rates.

E. Trip Generation Rates Required.

The traffic impact study shall include a table showing the land use categories and quantities, with the corresponding Trip generation rates or equations (with justification for selection of one or the other), and resulting number of Trips. The Trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.

F. Consideration of Pass-By Trips.

If pass-by Trips or Shared Trips are a major consideration for the land use in question, studies should be referenced and interviews should be conducted and documented at similar land uses.

G. Rate Sums.

Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified and explained in the study.

H. Explanations Required.

The reasoning and data used in developing a Trip generation rate for special/unusual generators must be justified and explained in the report.

I. Definition of Influence Area.

Prior to Trip distribution of Site-generated Trips, an Influence Area must be defined which contains eighty percent (80%) or more of the Trip ends that will be attracted to the development. A market study can be used to establish the limits of an Influence Area, if available. If no market study is available, an Influence Area should be estimated based on a reasonable documented estimate. The Influence Area can also be based on a reasonable maximum convenient travel time to the Site, or delineating area boundaries based on locations of competing developments.

Other methods, such as using Trip data from an existing development with similar characteristics or using an existing origin-destination survey of Trips within the area, can be used in place of the Influence Area to delineate the boundaries of the impact.

J. Estimates of Trip Distribution Required.

Trip distribution can be estimated using any one of the following three methods:

1. Analogy.
2. Trip distribution model.
3. Surrogate data.

Whichever method is used, Trip distribution must be estimated and analyzed for the Horizon Year. A mixed-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail Phases on the same Site). Consideration must also be given to whether inbound and outbound Trips will have similar distributions.

K. Trip Assignments.

Assignments must be made considering logical routings, available roadway capacities, left turns at critical intersections, and projected (and perceived) minimum travel times. In addition, multiple paths should often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the Trips to the route with the shortest travel time. The assignments must be carried through the external Site access points and in large projects (those producing five hundred (500) or more additional peak direction Trips to or from the Site during the development's Peak Hour) through the internal roadways. When the Site has more than one (1) Access Driveway, logical routing and possible multiple paths should be used to obtain realistic Driveway volumes. The assignment should reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

If a thorough analysis is required to account for pass-by Trips, the following procedure should be used:

1. Determine the percentage of pass-by Trips in the total Trips generated.

2. Estimate a Trip distribution for the pass-by Trips.
3. Perform two separate Trip assignments, based on the new and pass-by Trip distributions.
4. Combine the pass-by and new Trip assignment.

Upon completion of the initial Site traffic assignment, the results should be reviewed to see if the volumes appear logical given characteristics of the road system and Trip distribution. Adjustments should be made if the initial results do not appear to be logical or reasonable.

L. Total Traffic Impacts.

Motorized and non-motorized traffic estimates for any Site with current traffic activity must reflect not only new traffic associated with the Site's Redevelopment, but also the Trips subtracted from the traffic stream because of the removal of a land use. The traffic impact study should clearly depict the total traffic estimate and its components.

M. Capacity Analysis.

Capacity analysis must be performed at each of the major Street and project Site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for roadway segments deemed sensitive to Site traffic within the study area as determined by the Municipality. These may include such segments as weaving sections, ramps, internal Site roadways, parking facility access points, and reservoirs for vehicles queuing on- and Off-Site. Other locations may be deemed appropriate depending on the situation.

The recommended Level-of-Service analysis procedures detailed in the most recent edition of the Highway Capacity Manual must be followed.

The operational analyses in the Highway Capacity Manual should be used for analyzing existing conditions, traffic impacts, access requirements, or other future conditions for which traffic, geometric, and control parameters can be established.

N. Required Levels-of-Service.

The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to and from and within and past the proposed development, while minimizing the impact to non-Site Trips. The current levels-of-service must be maintained if they are Levels C or D, not allowed to deteriorate to worse than Level C if they are currently Levels A or B, and improved to Level D if they are Levels E or F.

O. Documentation Required.

A traffic impact study report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the study.

1. The documentation for a traffic impact study shall include, at a minimum:

- (a) Study purpose and objectives.

- (b) Description of the Site and study area.
 - (c) Existing roadway conditions in the area of the development.
 - (d) Recorded or approved development(s) within the traffic impact study area.
 - (e) Trip generation, Trip distribution, and modal split.
 - (f) Projected future motorized and non-motorized traffic volumes.
 - (g) An assessment of the change in roadway operating conditions resulting from the development traffic.
 - (h) Recommendations for Site access and transportation Improvements needed to maintain and/or improve motorized and non-motorized traffic flow to, from, within, and past the Site at an acceptable and safe Level-of-Service.
 - (i) Transit location, availability of bike routes, connection to a park and/or trail system.
2. The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
 3. The recommendations shall specify the time period within which the Improvements should be made (particularly if the Improvements are associated with various Phases of the development construction), and any monitoring of operating conditions and Improvements that may be required. The recommendations shall also identify who will be responsible for making the Improvements.
 4. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
 5. To facilitate examination by the Municipality, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
 6. The study documentation outlined above provides a framework for Site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

7.1.3 Improvements.

A. Responsibility for Improvements.

The Applicant shall be responsible for the Improvements required to provide safe and convenient ingress and egress to the development Site.

B. Coordination with Municipal Requirements.

The Applicant shall be responsible for other Improvements related to the results of the traffic impact study as may be agreed to with the Municipality to be installed or paid for by the Applicant consistent with provisions of the Pennsylvania Municipalities Planning Code.

7.2 HISTORIC AND CULTURAL RESOURCES

7.2.1 Archaeological Investigations

Specific state and federal guidelines and procedures for review procedures as well as pertinent legislation may be obtained by contacting the Bureau for Historic Preservation (BHP) and Pennsylvania Historical and Museum Commission (PHMC). Specific state and federal guidelines and procedures are outlined in detail in A Summary of Major Relevant Federal and State Legislation and Regulations Appendix A, and Procedures for Compliance with Federal and Commonwealth Preservation Law Appendix H. PHMC administers both the state and federal regulations.

Projects affecting or potentially affecting historical and archaeological properties are subject to review by the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation under the provisions of both Section 106 of the National Historic Preservation Act of 1966 and Section 10 of the 1978 Pennsylvania Historic Preservation Act. No project shall be developed on a Site identified by the PHMC as containing or likely to contain features of archaeological or historic significance until procedures for compliance with Federal and State regulations have been realized and the review process has been completed.

All Subdivisions and/or Land Development Plans which meet the above mentioned requirements shall provide a letter of determination and/or report from PHMC, BHP addressing the following:

A. BHP Letter of Determination.

The BHP letter of determination.

B. Additional Required Action.

The BHP letter may recommend one or more of the following activities:

1. Phase I Survey
2. Phase II Survey
3. Phase III (Mitigation)

7.2.2 Preservation of Historic Features.

- A.** Subdivisions and Land Developments shall be designed to preserve, adaptively reuse, or otherwise provide for the Historic Features of Caernarvon Township.
 - 1.** Historic Features that are retained within the project area shall be situated on a Lot of sufficient size to retain its integrity of setting.
- B.** Modifications or exterior alterations to Historic Features or Sites, or new construction in the immediate vicinity of Historic Features shall be consistent with “The Secretary of the Interior’s Standards for Rehabilitation of Historic Properties”, as published by the National Park Service. New construction should be visually compatible with the character of Historic Features in the vicinity in terms or size, scale, mass, shape, proportion, materials and textures, rhythm and patterns, orientation and location, cornice and floor to floor heights, arrangement and size of windows on the facade, etc. See Appendix F.
- C.** A landscape Plan shall be provided that provides Buffering, using vegetative materials, walls or fencing as appropriate, between new construction and Historic Features to help mitigate adverse visual or auditory impacts and to help the Historic Feature retain its integrity of setting.

7.2.3 Retention of Local Names.

Applicants are encouraged to perpetuate historic names or geographic references that are traditionally associated with the area, in which a project is located, rather than proposing project names that are not consistent with Caernarvon Township or Lancaster County traditions or culture.

7.3 OPEN SPACE

7.3.1 Dedication.

All Plans for residential Subdivision of land or residential Land Developments shall provide for the Dedication of land for park and open space uses, and/or, upon agreement by the Applicant, the construction of recreation facilities, the payment of fees in lieu thereof, the private reservation of land, or any combination thereof. All Dedications of land for open space purposes shall be consistent with standards contained within the officially adopted park and recreation Plan or parks and recreation chapter of the Municipal Comprehensive Plan, if such chapter meets the intent and criteria of the Pennsylvania Municipalities Planning Code, and is officially adopted by the Governing Body.

7.3.2 General Requirements.

When the Municipality has an officially adopted Park and Recreation Plan or qualifying Municipal Comprehensive Plan, Applicants shall designate areas of residential Subdivisions or residential Land Developments for public open space and recreational uses in accordance with the provisions of such Plans. The Applicant shall make an irrevocable offer of Dedication for such land to the Municipality, as required by the Governing Body. Title to such land shall be good and marketable, free of liens or other defects, and acceptable to the Municipal Attorney. The

Governing Body may, upon agreement of the Applicant, authorize the transfer of the land to a homeowner's association or to a non-profit corporation whose purpose is the conservation or preservation of land.

7.3.3 Amount of Land to be Dedicated.

- A.** The amount of open space land to be dedicated shall be equal to, and in conformance with, standards adopted by the Governing Body as expressed in the officially adopted Park and Recreation Plan or qualifying Municipal Comprehensive Plan.
- B.** If the applicable Plan specifically designates a future park site within the acreage of the Tract proposed for development, all Subdivision Plans shall be designed in conformance with such designation in that all land required to be dedicated shall correspond to the location of the future open space site.
 - 1.** Should the amount of land required to be dedicated exceeds the acreage of the future open space site as designated within the applicable Plan, the development proposal shall provide for such additional area to be located in a manner that best serves future residents of the proposed development.
 - 2.** Should the amount of land required to be dedicated falls short of the acreage of the future open space site as designated within the applicable Plan or if the proposed development involves only a portion of the development rights afforded to the Tract, the Applicant shall reserve that portion of the future park site which will best serve the immediate development. In addition, a Sketch Plan shall be prepared to depict how full build-out of the Site will be accomplished in a manner that respects the location of the future park site and ensures its accessibility to all future dwellings on the Tract. As an alternative to such piecemeal Dedication, the Municipality may opt to purchase that portion of the future open space site. In which case, the future Dedication of land associated with the development of the Tract would proceed in accordance with the provisions of Section 7.3.9.

7.3.4 Fee in Lieu of Dedication.

The Applicant may, with the consent and approval of the Governing Body, elect to pay a fee to the Municipality in lieu of the open space Dedication and so note on the plans.

- A.** The amount of any fee to be paid in lieu of Dedication of land shall be equal to the average fair market value of the land (based on the unimproved land value) otherwise required by this Section or shall be in accordance with any existing, municipally adopted flat fee-in-lieu schedule which establishes a fixed price per Lot, unit, or acre. If no formula is provided in any other Municipal planning documents, the formula to be used in computing the fee based upon fair market value shall be:

$$N \times (\text{average FMV of one acre}) = \text{fee.}$$

Where: N = the number of acres required to be dedicated for open space purposed, calculated in accordance with Section 7.3.3, and FMV = fair market value based on the unimproved land value.

B. The Applicant shall provide the Governing Body with all information necessary to determine the fair market value of the land, including, but not limited to, the following:

- 1.** If the Applicant is the equitable owner, or purchased the land in fee simple less than two (2) years prior to the Preliminary or Final Plan submission, a copy of the agreement of sale or real estate transfer tax affidavit of value.
- 2.** If the Applicant is the equitable owner, or purchased the land in fee simple more than two (2) years prior to the Preliminary or Final Plan submission, an opinion of value of the property by a state certified appraiser acceptable to the Governing Body.

Any Applicant aggrieved by the fee established shall have the right to secure a second opinion of value of the property by a state certified appraiser acceptable to the Governing Body. The two (2) estimated values shall be averaged, with the result being the amount upon which the fee will be based.

C. Such fee shall be payable to the Governing Body prior to the recording of each final phase of the Plan and shall be in an amount equal to the percentage of the total number of dwelling units in the phase.

7.3.5 Open Space Acquisition Fund.

All fees paid by the Developer in lieu of Dedication of open space land shall be paid to the Municipality and upon its receipt shall be deposited in a separate interest-bearing account. Fees deposited to this account shall be administered as required by the Pennsylvania Municipalities Planning Code.

7.3.6 General Design Criteria.

Except as provided in Section 7.3.7 and Section 7.3.8, the type of areas to be dedicated for open space land within a Subdivision or Land Development Plan shall principally involve neighborhood parks which are defined as "those parks providing primarily active outdoor recreational opportunities located within one-half (1/2) mile radius from a majority of the residences to be served thereby". Exceptions to this will be when Dedications are made to a community park which serves the Subdivision and is located within a two (2) mile radius of the majority of the residences to be served, or a County park which serves residences located within a ten (10) mile radius.

The land set aside for open space uses shall meet the following design criteria:

- A.** The open space land shall be reasonably located so as to serve all of the residents of the Subdivision or Land Development.
- B.** The open space land shall be accessible from a Street either directly or by pedestrian connection or shall adjoin and become a part of an already existing public park or open space area that is accessible from a Street. Where access to the open space is by public road, the width of the Frontage shall be a minimum length deemed necessary by the Municipality for access, visibility of the Site, and public safety.

- C. No more than twenty-five percent (25%) of the open space land shall contain Detention Basins or other Storm Water Management Facilities, or be located within a Floodplain or Wetland unless such area is part of a linear trail or green way along an existing Watercourse. In all cases, land containing Detention Basin or other Storm Water Management Facilities, Floodplains, or Wetlands, must be suitable for public recreation use without compromising the function of these areas.
- D. The open space land shall be compact and Contiguous unless the land is located adjacent to and combined with existing park and open space land, or specific topographic features require a different configuration. An example of such topographic features would be the provision of linear public open space along a scenic creek.
- E. When public park and open space land exists adjacent to the Tract to be subdivided or developed, the open space land shall be located to adjoin and enlarge the presently existing park and open space land.
- F. The open space land shall be accessible to utilities such as sewer, water, and power that are provided within the Subdivision, and if so, the Developer shall extend such utilities to the open space land.
- G. If the Developer is planning to construct facilities for recreation on the dedicated property as an amenity for the development, such facilities shall be constructed in accordance with current standards established by the National Recreation and Park Association. Where applicable, facilities constructed shall also comply with the accessibility guidelines of the Americans with Disabilities Act of 1990. Playground equipment constructed or placed on parkland shall be in compliance with guidelines from the Consumer Products Safety Commission.

7.3.7 Existing Trails.

When a Subdivision or Land Development is traversed by or abuts an existing public trail, customarily used by pedestrians and/or equestrians, the Applicant shall make provision for the continued recreational use of the trail, subject to alterations of the course of the trail within the boundaries of the development under the following conditions:

- A. The points at which the trail enters and exits the Tract shall remain unchanged.
- B. The proposed alteration exhibits quality trail design according to the generally accepted principles of landscape architecture.
- C. The proposed alteration does not run coincidentally with the paved road intended for use by motorized vehicles.

The land set aside for the continuation of such existing trail shall be counted towards the amount of open space land.

7.3.8 Trails and Linear Parks.

The trail or linear park shall conform to any applicable Municipal master park and open space Plan, any County-wide trail and recreation master Plan, and appropriate Municipal and County Comprehensive Plans. The Governing Body may require, as a condition of Final Plan approval,

the Dedication and Improvement of trails and linear parks, which may be credited toward the open space land requirement. Trails and linear parks developed and dedicated for public use may be credited toward the open space land requirement.

7.3.9 Municipal Fund Reimbursement.

The Municipality may from time-to-time decide to purchase land for open space in or near the area of actual or potential development. If the Municipality does purchase open space land within a distance of one-half (1/2) mile, subsequent open space land Dedications within that area may, upon agreement with the Applicant, be in cash only and shall be calculated on a percentage basis to reimburse the Municipality's actual cost of acquisition and/or cost of development of such land for park and open space purposes. The cash amount shall be equal to the sum of the average price per acre of such land plus the actual costs of adjacent Streets and on-Site utilities (or an estimate of such actual costs provided by the Municipal Engineer) divided by the number of Lots or dwelling units in the development.

7.3.10 Additional Recreation Reservations.

The provisions of this Section are minimum standards and shall not be construed as prohibiting a Developer, with the approval of the Governing Body, from dedicating or reserving other land for recreation purposes in addition to the requirements of this Ordinance.

7.3.11 Private Reservation of Land.

Notwithstanding anything contained in the above Sections, the Applicant may, with the consent and approval of the Governing Body, elect to fulfill the open space requirements through the private reservation of a recreation area.

- A.** Any project that proposes the private reservation of land shall be accompanied by an agreement, which is acceptable to the Municipal Attorney, and which shall be recorded prior to or concurrent with the Preliminary Plan approval. Such agreement shall stipulate:
 - 1.** That maintenance of the designated open space is the responsibility of the Applicant, a homeowners' association, a Condominium unit owners' association, or other recognized conservation organization.
 - 2.** The availability of such private open space to non-residents of the development.
 - 3.** The method by which the private reservation may be offered for public Dedication.
 - 4.** That the land cannot be developed for anything other than open space purposes.
 - 5.** That the land cannot be sold or disposed of by the association except to another organization formed to own and maintain said open space and without first offering to dedicate the land and Improvements to the Municipality.
- B.** If such lands are to become common elements of a homeowners' or Condominium unit owners' association of any type, then such association's organizational by-laws must conform to the requirements of applicable state law.

7.3.12 Construction of Recreation Facilities.

Notwithstanding anything contained in the above Sections, the Applicant may, with the consent and approval of the Governing Body, elect to fulfill the open space requirements through the construction of recreational facilities. All approved recreation facilities constructed in lieu of land Dedication shall be included within the cost estimate for the Improvement guarantee.

7.4 HYDROGEOLOGIC REPORT

When there is a reasonable probability that a project will affect or be affected by carbonate geologic hazards the Governing Body shall require submission of a hydrogeologic report. In reaching a determination of whether a project will affect or be affected by carbonate geologic hazards, the Governing Body shall consider the presence or absence of carbonate features in the vicinity of the project, the testimony of qualified expert witnesses, and such other reasonable information as may be available.

When a hydrogeologic report is required, an aquifer study (see Section 7.5) shall also be required.

All hydrogeologic reports shall be prepared at the Applicant's expense by a licensed Geologist qualified in such matters. Each hydrogeologic report shall contain:

- A.** A map showing all sinkholes, depressions, lineaments, faults, outcrops, springs, drainage entering the ground, water table, soil mottling and ghost lakes, and all features that may relate to the quality and availability of groundwater within two hundred (200) feet in all directions from the Subject Tract.
- B.** A map outlining all private wells within a radius of two hundred (200) feet of the Subject Tract and all public water supplies, associated pipes, hydrants, and future service areas within two hundred (200) feet in all directions of the Subject Tract provided such information is available from public sources or documents.
- C.** A listing of all referenced data, published and otherwise.
- D.** A topographic Site map with the Site clearly outlined.
- E.** A map indicating the location and design of all on-Site wastewater disposal systems and secondary systems.
- F.** A description of anticipated water quality impacts to areas located downgradient and areas located along the geologic strike.
- G.** A description of on Site mitigation measures that could be applied to minimize impacts of the project or to correct existing problems.

7.5 AQUIFER STUDY

Lots which would be served by individual wells or community water systems when prior to the Subdivision of land into Lots or Land Development an aquifer study may be required; in areas of or in proximity to areas of known groundwater contamination or problems, in areas of known

inadequate yields of potable supplies, or a hydrogeologic report was completed on Site, an aquifer study shall be performed.

A. Areas of Known Ground Water Problems.

Areas of known ground water problems shall include:

1. Areas underlain by serpentinitic or schistostic geologic formations or formations otherwise known to have low yields.
2. Areas in proximity two hundred (200) feet of sinkholes, ghost lakes, or drainage entering the ground.
3. Areas with Environmental Covenants related to known groundwater contamination including sites that have been voluntarily cleaned up under the Pennsylvania Land Recycling and Environmental Remediation Standards Act (Act 2). For approved cleanup Sites, this test will verify the Site meets the approved standard.
4. Other areas with documented water quantity or quality problems, including pollutants in excess of federal safe drinking water standards.

B. Aquifer Study Standards and Procedures.

No person shall develop land within an area of known groundwater quantity problems without administering and passing on said land the aquifer test required by this Section:

1. Water Quantity Report.

(a) Water Quantity Test Standard.

1. The proposed individual well shall produce not less than 400 gallons of water in a 2 hour period, at least once each day.
 - (i) If the sustained yield of the individual well or individual well system is not capable of meeting the standard, sufficient storage shall be required through borehole capacity and/or a storage tank. Borehole storage shall be measured from the pump level to the top of the static water column.
2. The individual well shall yield a minimum of 1 gallon per minute.
 - (i) For wells with yields of 4 gallons per minute or less, a minimum of 400 gallons of storage capacity shall be provided. Borehole storage shall be measured from the pump level to the top of the static water column.
 - (ii) Multiple wells may be dug on the Lot and the combined yield of the well system shall meet the minimum of 1 gallon per minute.

(b) Test Supervision and Evaluation.

The test shall be conducted under the supervision of a qualified Geologist licensed by the Commonwealth of Pennsylvania or professional Engineer, using testing procedures hereinafter set forth. The Geologist or Engineer shall be responsible for notifying the Governing Body five (5) working days prior to the start of the test. He or she will also summarize the test, and its significance and make recommendations as to the suitability of the well or wells for the intended uses. The final report shall include an opinion as to whether the proposed use of the well will have an impact upon other existing wells in the immediate surrounding area. The supervising person shall provide the Governing Body with a copy of all field notes and test results.

(c) Test Method.

A test shall be conducted for a minimum of twelve (12) hours at a constant rate of pumping. The pumped well shall be the one proposed for the specific Subdivision or Land Development for which the test is conducted. Two (2) observation wells that have hydraulic continuity with the pumped well are required. The preferred method of analysis of the aquifer test data is the non-equilibrium formula, although other methods are available and may be used. These include various methods of analysis of either the drawdown or recovery data.

(d) Collection of Data.

Data shall be collected in conjunction with the aquifer test as follows:

1. Prior to the test:

- (i)** Collection of geologic data of the area to be tested including well logs, if available.
- (ii)** History of water level fluctuations in the area when available.
- (iii)** The location, relative Elevations and static water levels in the pumped well and the observation well or wells.
- (iv)** The expected discharge of the pumped well.

2. During the test: A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:

- (i)** Date.
- (ii)** Clock time.

- (iii) Elapsed time since pumping started/stopped (in minutes and seconds).
- (iv) Depth to water below land surface.
- (v) Drawdown or recovery (in feet and 10ths).
- (vi) Observed discharge at specified intervals.

- 3. Following the test: In accordance with recognized principles of well hydraulics, graphs shall be prepared to show time drawdown and time recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage as well as the rate of pumping, time and drawdown are required as well as other data that may be considered necessary to satisfy the test objectives.

2. **Water Quality Report.**

The water quality test shall be conducted concurrently with any water quantity test. Such tests shall be conducted by a certified laboratory.

Test Standard.

- (a) All water samples to be tested must be drawn by a trained PA DEP-certified laboratory employee, a well driller contractor, or pump installation contractor.
- (b) For single use on-Lot wells, the quality of the water tested shall meet the local and/or state regulations as it presently exists or may hereafter be amended, or be capable of treatment to attain said standard of quality for the following potential contaminants: total coliform, fecal coliform, E.coli, nitrate-nitrogen, nitrite-nitrogen, total nitrogen, lead, and chlorine.
- (c) For community on-Lot wells, the quality of the water tested shall meet the National Primary Drinking Water Regulations as set forth in the National Safe Drinking Water Regulations (NSDW) of the Environmental Protection Agency (EPA) as it presently exists or may hereafter be amended, or be capable of treatment to attain said standard of quality.

ARTICLE 8

VISION STATEMENT AND DESIGN STANDARDS FOR DESIGNATED RURAL AREAS

To maintain the integrity of Agricultural Areas, historic and natural resources, villages, and other Rural land is central to the vision of Rural areas. To maintain for future generations the resources and traditional ties to the land that define Lancaster County' and Caernarvon Township's Rural character. To minimize the amount of new development in Rural areas not directly tied to traditional land based economic activities in order to maintain the viability and integrity of the rural economy and landscape while preserving the traditional role and character of rural settlements. To reduce the amount of new residential development and employment growth in Rural areas.

To identify, protect and preserve productive Agricultural Land for agricultural use. To protect agricultural uses from activities that interfere with, or prevent, normal farm practices and which would interfere with the promotion of a healthy agricultural industry.

To develop a long term sustained agricultural system. To provide a diversity of publicly accessible open space resources in the form of greenways and Natural Areas.

To preserve, protect, enhance, and restore the Native Plant and animal diversity and functioning natural systems and sensitive natural features and resources. To protect and improve the quality of our air and to protect, conserve, and improve surface and groundwater resources for human and non-human use. To encourage the preservation and protection of the integrity of historic Buildings and Structures, archaeological sites, and other cultural resources.

To develop aesthetically pleasing, interconnected transportation systems that encourage walking, biking, and public transit, and discourage high-speed traffic. Provide adequate, affordable, and accessible specialized transit services. To improve the transportation system to service employers and employees that connects people with job opportunities.

To maintain an edge between Urban and Rural areas by directing new growth and development into areas within Designated Growth Areas. To maintain the character of traditional, small-scale settlements within the Rural Centers. To minimize the impact that large-scale development has on the environment and character of existing communities.

To establish cohesive, and safe neighborhoods and a clean, healthy physical environment within the Rural Centers. To encourage Rural Centers to establish a central focus that combines commercial, civic, cultural, and recreation uses.

8.1 GENERAL

8.1.1 Minimum Standards and Requirements.

The standards and requirements contained in this Article shall apply as minimum design standards for Rural Subdivisions and/or Land Developments, as defined in Section 2.2.

If Land Development information indicates that existing improvements on the Subject Tract do not meet the requirements of this Section, then existing improvements on the Subject Tract must be designed and proposed to meet the requirements of this Ordinance. When the Land Development will utilize or be integrated into existing infrastructure, the existing infrastructure on the Subject Tract shall be improved to the standards of this Ordinance.

8.1.2 Compliance with Municipal Ordinances Required.

All plans shall be designed in compliance with the municipal zoning ordinance and all other applicable ordinances, regulations, plans, studies, and local requirements.

8.1.3 Zoning Approvals Required Prior to Plan Submission.

When a plan proposal requires the grant of a special exception, conditional use or variance from the municipal zoning ordinance, the Applicant shall obtain such special exception, conditional use or variance approval from the governing body and/or zoning hearing board, as applicable, prior to the submission of the applicable plan. The plan shall be designed and developed in accordance with any conditions that have been imposed upon the grant of such special exception, conditional use or variance by the governing body and/or zoning hearing board, as applicable.

8.2 STREETS, ACCESS DRIVES AND DRIVEWAYS

- A.** Each Street shall be designed to meet the design requirements by use of Appendix G and Appendix H.
- B.** Consideration should be given to where snow placement easements will be situated on the site.

8.2.1 General Arrangement.

The following criteria shall be considered in the design of Streets in all Rural Subdivisions and/or Land Developments.

- A.** The alignment and design of Streets shall conform to the circulation plan of the municipal Comprehensive Plan, Official Maps, and to such municipal, County and State road and highway plans as have been duly adopted.
- B.** For Streets not shown on the circulation plan or Official Map, the arrangement shall take into account existing Topography and other Site constraints when providing for the appropriate extension of existing Streets.
- C.** Local Streets shall be arranged so as to discourage excessive speeds when their function is to remain local.
- D.** If the Street is curbed Streets shall be designed with drainage grates that are safe for crossing by bicycles or horse-drawn vehicles.
- E.** Curvilinear Streets and Cul-de-sacs should be utilized only where Topography and natural features dictate them on the Site and where their use will be consistent with adjoining development patterns. Curvilinear Streets shall not be used immediately adjacent to an existing grid Street system without providing a transition that continues and protects the grid. Cul-de-sacs shall not be used where it is possible to provide grid pattern Streets that provide better access for emergency vehicles, fewer restrictions for snow removal and improved pedestrian access. New project Street systems, platted adjacent to an existing Street system, shall not be merely looped back on Local Streets, but shall connect with or be designed to connect with, in the future, Streets of a higher class. Consideration shall be given to the dispersal of traffic from commercial and

employment centers, and to the ultimate functioning of the Street system and regional transportation network.

- F.** Streets shall be laid out to provide convenient and safe access to the property. Where appropriate, the governing body may require additional Cartway improvements and/or Right-of-Way width along existing Street Frontages to accommodate the anticipated traffic increases and to facilitate vehicular turning movements to and from individual Lots.
- G.** Where a development abuts an existing or proposed Arterial Street, the governing body may require access management techniques such as the use of marginal access Streets, Reverse Frontage Lots, or other such treatment that will provide protection for Abutting properties, reduce the number of intersections with the Arterial Street, and separate the local and through traffic.
- H.** Street lengths shall be minimized as to promote the most efficient Street layout while still protecting the natural, cultural, and historical environment.
- I.** The use of permeable pavement is encouraged on sidewalks, plazas, Driveways and parking lots. Permeable pavement shall not be located on industrial Sites, fueling stations, Sites with expansive soils or shallow bedrock, areas draining to the permeable pavement greater than 5 acres, areas with the water table less than two feet below the bottom of the pavement base, and less than 100 feet from drinking wells.

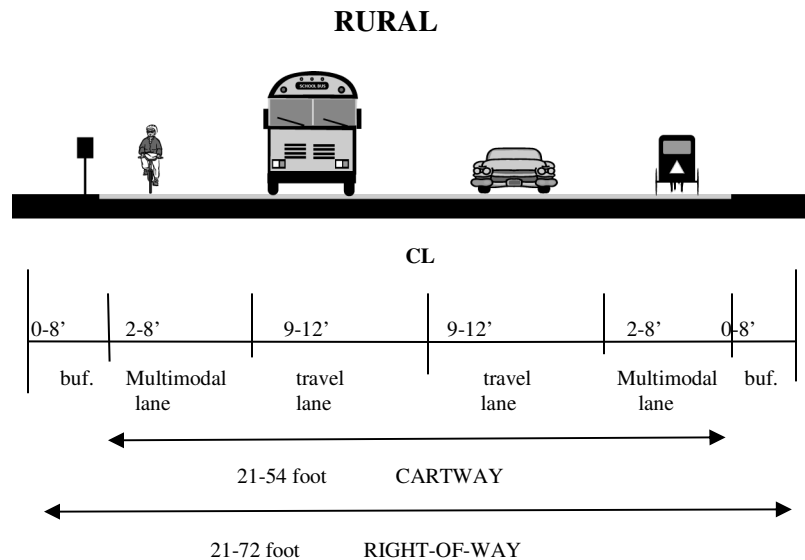
8.2.2 Street Hierarchy.

- A.** All proposed Streets shall be classified according to the Street hierarchy of the existing transportation network with design tailored to function and Average Daily Traffic (ADT).
- B.** The Street hierarchy system shall be defined by the municipal Comprehensive Plan, Official Map, or other municipal planning documents.
- C.** The Applicant shall demonstrate to the governing body's satisfaction that the distribution of traffic to the proposed Street system will not exceed the ADT thresholds for any proposed Street type for a design period of ten (10) years from the proposed date of completion of the road.
- D.** Private Streets may be used provided the governing body determines that no public benefit will be served by Dedication. Applications that propose a Private Street shall be accompanied by a recorded declaration or an agreement which shall be recorded with the Lancaster County Recorder of Deeds as part of the Final Plan. This agreement shall establish the conditions under which the Street will be constructed and maintained in accordance with the design approved on the Final Plan, and shall stipulate:
 - 1.** Ownership interest in the Private Street.
 - 2.** No limitations on users unless identified in the private agreement.
 - 3.** A statement indicating that civil court, not the governing body, is responsible for mitigating differences relating to the agreement.
 - 4.** The method of assessing maintenance and repair cost.

5. Private Streets shall not be offered for Dedication as a public Street unless they are restored to municipal design standards for Streets. The offer for Dedication of the Street shall be made only for the Street as a whole.

8.2.3 Determination of Required New Street Design Standards.

Newly created Right-of-Way and Cartway width for each interior Street classification shall be determined by the proposed use, projected ADT, and the intensity of development permitted and existing along each Street. Each Cartway width shall be based on the travel lane, on-Street parking, non-motorized travel lane, and gutter width.



A. Travel Lanes.

1. Travel lane width requirements shall vary according to the average daily Trips (ADT)*.

Miles Per Hour	Under 400 ADT	401 to 1500 ADT	1501 to 2000 ADT	Over 2000 ADT
15	9 ft. travel lane	10 ft. travel lane	10 ft. travel lane	11 ft. travel lane
20	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
25	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
30	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
35	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
40	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
45	10 ft. travel lane	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane
50	10 ft. travel lane	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane
55	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane	12 ft. travel lane

* derived from AASHTO as amended

B. Non-Motorized Multimodal Travel Lanes.

1. Non-motorized travel lanes shall be provided for all Streets when identified by the municipal long range plan and Appendix H.
2. Non-motorized travel lane requirements shall vary according to the speed of the Street.
 - (a) For a posted speed limit of twenty-six to thirty-five (26-35) miles per hour, four (4) foot Multimodal lanes shall be provided.
 - (b) For a posted speed limit of thirty-six to forty-five (36-45) miles per hour, six (6) foot Multimodal lanes shall be provided.
 - (c) For a posted speed limit of greater than forty-five (45) miles per hour, eight (8) foot Multimodal lanes shall be provided.
3. Drainage grates shall be bicycle and horse drawn buggy safe.

C. Buffer Area.

Buffer Areas shall be provided between Cartways and sidewalks (where applicable). Signage and Street trees shall generally be located within the Buffer area of the Right-of-Way. Buffer areas shall be planted with grass, ground cover, or treated with other suitable Pervious Material that does not restrict Sight Distance. See Section 8.10.2 for Street tree standards. When Buffer Areas are provided, they shall be a minimum of 4 feet wide with 8 foot preferred when planted with trees.

D. Rights-of-way.

1. Centerline of the Right-of-Way may not always be the centerline of the travel lanes.
2. Where the Right-of-Way width of the new Street is different than the existing Street, a transition area shall be provided, the design of which is subject to governing body approval.
3. The Right-of-Way width shall be designed to meet the design requirements by use of Appendix G. Right-of-Way widths may change along Street, based on the anticipated future development.

E. Curbs, Gutters, and Swales.

Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed.

1. Drainage Swales / gutters shall be used.
2. Curbing in place of drainage Swales / gutters may be used when the following can be shown:
 - (a) For Storm Water management control.

- (b) At intersections providing pedestrian handicap ramps.
- (c) At all Building entrance points which front on parking lots when wheel stops are not provided.
- (d) When connecting to existing curbing.

F. Vertical Street Alignments.

Vertical curves shall be used in changes in grade exceeding one percent (1%).

1. Alignment:

- (a) Vertical Street and Access Drive alignments shall be measured along the centerline.
- (b) Minimum Rate of Vertical Curvature K shall be as specified below:

Initial Speed (mph)	Curvature, K¹ (ft/%) Crest	Curvature, K¹ (ft/%) Sag
15	3	10
20	7	17
25	12	26
30	19	37
35	29	49
40	44	64
45	61	79
50	84	96
55	114	115

¹ Rate of vertical curvature, K = length of curve (L) per percent algebraic difference (A) in the intersection grades ($K=L/A$)

2. Grade:

- (a) Where the approaching grade is seven (7%) percent or greater, a leveling area shall be provided within seventy-five (75) feet of a four-way Street intersection on the Street of lesser classification, and Access Drives, and the terminating Street at a three-way intersection.
- (b) Such leveling area(s) shall have a maximum grade of four percent (4%) for a minimum length of forty (75) feet measured from the intersection of the centerlines.
- (c) The maximum grade for local streets shall be 10%

G. Horizontal Street Alignments.

- 1.** Horizontal curves shall be used at all angle changes in excess of two (2) degrees.

2. The design of horizontal curves shall be based on an appropriate relationship between design speed and curvature and on their joint relationships with Superelevation (roadway banking). (The longer the radius of a curve, the higher the speed through that curve).
3. Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.
4. Access Drives shall be designed to Local Street horizontal alignment standards.
5. Determination of minimum horizontal centerline radius*

Initial Speed (mph)	Centerline Radius ¹ (feet) with No Superelevation	Centerline Radius ¹ (feet) with 4% Superelevation (e max)
15	50	42
20	107	86
25	198	154
30	333	250
35	510	371
40	762	533
45	1039	711
50		926
55		1190

* derived from AASHTO formula $R_{\min} = V^2 / 15 * (0.01e + f_{\max})$

¹ Curve radius shall be measured to the centerline of Cartways and Access Drives.

6. Superelevation in certain conditions may be amended when using AASHTO Exhibit 3-16 as updated.
7. A tangent shall be placed between reverse curves. The tangent length shall be 100 feet or long enough to complete the super elevation transitions, whichever is greater.

H. Street Intersections.

1. Cul-de-sac/ Minor Local/ Major Local Streets

A minimum separation of no less than 150 feet between centerlines shall be provided.

2. Collector Streets

- (a) Minor Collectors a minimum separation distance of 275 feet between centerlines shall be provided.
- (b) Major Collectors a minimum separation distance of 300 feet between centerlines shall be provided.

3. Arterial Streets

Arterials a minimum separation distance of 600 feet between centerlines shall be provided.

4. Right angle intersections shall be used. No Street intersection Modification shall be granted at an angle of less than sixty (60) degrees.
5. The Cartway edge at Street intersections shall be rounded by a tangential arc with a minimum radius of twenty-five (25) feet. The Right-of-Way radii at intersections shall be substantially concentric with the edge of the Cartway. Curb return radii of 10 -15 feet should be used where high pedestrian volumes are present or the volume of turning vehicles is low. Larger radii should be used when parking, non-motorized lanes are not provided, and larger vehicles are anticipated (tractor trailers).
6. Where warranted by a traffic impact study, the governing body may require additional traffic lanes or additional Right-of-Way to facilitate vehicular turning movements at existing or proposed Street intersections within or bordering Subdivision or Land Development Plans.

I. Sight Distance at Intersections.

1. Proper Sight Distance shall be provided at all new Streets, Access Drives, and all Driveway intersections to state roads in accordance with the latest edition of the Pennsylvania Department of Transportation Design Manual - Part 2, Highway Design (Publication 13),. Sufficient design and plan information shall be submitted with the plan application proving that this minimum standard will be achieved.
 - (a) Access Drive Sight Distance based on 10 feet off of edge of Cartway, at an eye height of 3.5 feet to an object at 3.5 foot height.
 - (b) Street Sight Distance based on 15 feet off of edge of Cartway, at an eye height of 3.5 feet to an object at 3.5 foot height.

	HIGHWAY GRADE IN %																										
SPEED (MPH)	0	+1	+2	+3	+4	+5	+6	+7	+8	+9	+10	+11	+12	+13	-1	-2	-3	-4	-5	-6	-7	-8	-9	-10	-11	-12	-13
15	75'	74'	73'	73'	73'	73'	72'	72'	71'	71'	71'	71'	70'	70'	70'	70'	70'	70'	70'	70'	70'	70'	70'	70'	70'	70'	70'
20	109'	108'	107'	106'	105'	105'	104'	103'	102'	102'	101'	101'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'	100'
25	147'	145'	144'	143'	142'	140'	139'	138'	137'	136'	135'	134'	133'	133'	133'	133'	133'	133'	133'	133'	133'	133'	133'	133'	133'	133'	133'
30	196'	194'	191'	189'	187'	185'	183'	182'	180'	178'	177'	175'	174'	173'	173'	173'	173'	173'	173'	173'	173'	173'	173'	173'	173'	173'	173'
35	249'	245'	242'	238'	236'	233'	231'	228'	226'	224'	221'	219'	217'	215'	215'	215'	215'	215'	215'	215'	215'	215'	215'	215'	215'	215'	215'
40	314'	309'	304'	299'	295'	291'	287'	284'	280'	277'	274'	271'	268'	266'	266'	266'	266'	266'	266'	266'	266'	266'	266'	266'	266'	266'	266'
45	383'	376'	370'	364'	358'	353'	348'	343'	338'	334'	330'	325'	322'	319'	319'	319'	319'	319'	319'	319'	319'	319'	319'	319'	319'	319'	319'
50	462'	453'	444'	436'	429'	421'	415'	409'	403'	397'	392'	388'	382'	378'	378'	378'	378'	378'	378'	378'	378'	378'	378'	378'	378'	378'	378'
55	538'	527'	517'	508'	491'	490'	482'	475'	467'	461'	454'	443'	442'	437'	437'	437'	437'	437'	437'	437'	437'	437'	437'	437'	437'	437'	437'

2. Proper Sight Distance shall be provided for horse and buggies when non-motorized vehicle use is prevalent.

Access Drive, Driveway, and Street Sight Distance shall be based on fifteen (15) feet (distance between the buggy driver and the horses head at the edge of Cartway) off the edge of Cartway, an eye height of 5.5 feet (height of a non-motorized driver) to an object at 3.5 foot height.

3. Stop control devices shall be provided on the new lesser classification Street or new Access Drive.
4. Clear sight Triangles shall be provided at street intersections. Visual obstructions shall be limited to a height of not more than three (3) feet above street level. The area to be kept free of encroachment shall form a triangle with a line of sight between points measuring one hundred and fifty (150) feet along Arterial streets, one hundred (100) feet along Collector streets, and seventy-five (75) feet along Local streets from the centerline intersection of the adjacent streets.
5. Sight distance easements shall be provided to preserve and protect the required sight distance at Street intersections, Access Drives and Driveways, where the line of sight is outside the right-of-way and outside the clear sight triangle.

J. Cross Sectional Specifications.

All new Streets shall be designed the following cross-sectional specifications (all courses are compacted thicknesses) unless superseded by a road ordinance or zoning ordinance:

1. The use of recycled materials is strongly encouraged.
2. Street paving relative strength (design structural number) shall meet 3.0 for all Local roads, 3.5 for roads Arterial and Collector roads. The design structural number depicts the required strength the proposed pavement will need to provide. The structural number must be converted to individual layer thicknesses of the pavement.

(a) Structural coefficients for common flexible pavement materials*;

Pavement Component	Structural Coefficient	Pavement Component	Structural Coefficient
<u>Surface Course:</u>		Crushed Aggregate, Type DG (CABCDG)	0.18
Suprpave 9.5 mm, 12.5 mm, 19 mm, 25 mm, (wearing and binder courses)	0.44	Aggregate – Bituminous (ABBC)	0.30
FB-1, FB-2 (wearing and binder courses)	0.20	Aggregate – Cement (ACBC)	0.40
FJ-1, FJ-1C, FJ-4 (wearing courses)	0.35	Aggregate – Lime – Pozzolan (ALPBC)	0.40
<u>Base Course:</u>		<u>Subbase:</u>	
Plain Cement Concrete (PCBC)	0.50	Open Graded Subbase	0.11
Lean Cement Concrete (LCBC)	0.40	No. 2A Subbase	0.11
Suprpave 25 mm, 37.5 mm, base course	0.40	Asphalt Treated Permeable Base Course (ATPBC)	0.20
Crushed Aggregate (CABC)	0.14	Cement Treated Permeable Base Course (CTPBC)	0.20

* Per current PennDOT standards, Pavement Policy Manual, Publication 242.

(b) Example of Local paving is as follows;

- i.** 7" subbase, No 2A. + 4" superpave asphalt mixture design, HMA base course, PG 64-22, 0 to < 0.3 M ESALS, 25.0 mm mix. + 1-1/2" superpave asphalt mixture design, HMA wearing course, RPS, PG 64-22, 0 to < 0.3 M ESALS, 9.5mm mix, SRL-H.
- ii.** 10" subbase, No 2A. + 3" superpave asphalt mixture design, HMA binder course, PG 64-22, 0 < 0.3 M ESALS, 19.0mm mix. + 1-1/2" superpave asphalt mixture design, HMA wearing course, RPS, PG 64-22, 0 to < 0.3 M ESALS, 9.5mm mix, SRL-H.

(c) Examples of Collector paving is as follows;

- i.** 4" subbase, No. 2A. + 4" superpave asphalt mixture design, HMA base course, PG 64-22, 0 < 0.3 M ESALS, 25.0mm mix. + 2" superpave asphalt mixture design, HMA binder course, PG 64-22, 0 < 0.3 M ESALS, 19.0mm mix. + 1 1/2" superpave asphalt mixture design, HMA wearing course, RPS, PG 64-22, 0 < 0.3 M ESALS, 9.5mm mix SRL-H.
- ii.** 13" subbase, No. 2A. + 3" superpave asphalt mixture design, HMA base course, PG 64-22, 0 < 0.3 M ESALS, 25.0mm mix. + 2" superpave asphalt mixture design, HMA wearing course, RPS, PG 64-22, 0 < 0.3 M ESALS, 12.5mm mix SRL-H.

(d) Examples of Arterial paving is as follows;

- i.** Pavement Design will be in consultation with PA DOT.
- 3.** Streets shall be sloped 1/4 inch per foot away from the centerline except in areas of super elevated curves.
- 4.** Street construction (methods and materials) shall be per PA DOT Publication 408.

8.2.4 Pedestrian Way.

A. Trails.

- 1.** Trail width shall be a minimum of four (4) feet.
- 2.** Easements ten (10) feet wide are required for trails. Provide a plan note indicating such Easement must be five (5) foot on either side of the centerline of the trail as constructed.
- 3.** Encroachments into the trail shall not result in less than a 4 foot wide minimum clearance width from any obstacles.

4. Marked crosswalks shall be provided within the vehicular travel ways intersecting with trails.
5. Provide a plan note referencing maintenance responsibility of the pedestrian trail.
6. Pedestrian trails shall connect to an access point.
7. Protect and improve existing trails (where possible).
8. Connect to and extend existing trails (where possible).
9. Trails may be provided in lieu of sidewalks with approval of the Municipality in the R-2 District.

B. Sidewalks.

1. Paved sidewalks shall be provided on both sides of a new Street in the Churchtown Village and R-2 Districts (Zoning).
2. Sidewalk widths shall be a minimum of four (4) feet.
3. Where possible, sidewalks should be sloped towards adjacent pervious surfaces, not adjacent Impervious Surfaces.
4. Encroachments into the sidewalk shall not result in less than a 3 foot wide minimum clearance width from any obstacles.
5. Sidewalks shall not exceed a cross slope of two percent (2%).
6. Ramp cuts shall be located at all sidewalks intersecting with vehicular travel ways.
7. Marked crosswalks shall be provided within the vehicular travel ways intersecting with sidewalks.
8. Concrete sidewalks shall consist of 4" (6" at driveways) PA DOT Class A concrete with 14 gauge steel mesh on a 4" PA DOT #2B crushed stone.

8.2.5 Lot Access.

- A. The governing body may require an Applicant to provide Reverse Frontage Lots on the major Collector and/or Arterial roads and reduce the number of access points through access management for the development.
- B. The governing body may require the Applicant to provide access for future development to adjoining property in the path of development through the remainder of a property.
- C. The governing body may require a provision for access to existing nonconforming Lots which have no Frontage on a public or Private Street.
- D. A Highway Occupancy Permit is required for each access point onto a state road or highway.

- E.** All Lots shall front on a public or a private Right-of-Way. If the Subject Tract has no current Street Frontage, Lots may be further subdivided subject to zoning regulation, from the Subject Tract if the following conditions are met:
- 1.** The access to the subject Lot must be approved by the Municipality and/or the Pennsylvania Department of Transportation.
 - 2.** The Tract must be located within the agricultural zone and the Subdivision must be intended to create another farm Lot that meets the agricultural minimum Lot size for a farm.
- F.** Prior to the use and occupancy of a Lot, each Lot or dwelling unit shall be provided with a Street number assigned by the governing body and approved by the Lancaster County-Wide Communications. The Street number shall be visible from the Street. Where a Lot contains dwelling units, each dwelling unit shall be identified so that emergency services can easily identify the location of every dwelling unit in a time of emergency.

G. Emergency Access

Emergency Access may be proposed when streets or access drives cannot provide the multiple access points required in Section 8.2.9.D.

- 1.** The emergency access shall be improved so that emergency vehicles can safely traverse it and it shall be indicated on the plan.
- 2.** The emergency access shall be accessible to the providers of emergency services.
- 3.** The emergency access is subject to approval of the Emergency Service providers.
- 4.** The emergency access may not be suitable for regular access but provides an alternative access for emergency vehicles.
- 5.** The emergency access shall be within an easement.

8.2.6 Street Provisions for Future Developments.

- A.** Where appropriate in Rural Centers, Right-of-Ways shall be reserved for Future Access Strip usage in conjunction with the zoning classification of adjacent Tracts to allow for future development. Areas reserved for Future Access Strip usage will not be required to be improved; however, these areas shall be reserved for Street improvements to be provided by the Developer of the adjacent Tract. Appropriate plan notes shall be included to note Future Access Strip expansions.
- B.** Wherever there exists a Right-of-Way reserved for Future Access Strip usage to the boundary of a Tract being developed, the proposed Street must be extended over the Right-of-Way.
- C.** The extension of existing Streets that are presently constructed with a Cartway different from the standards of this ordinance shall be provided with a transition area, the design of which is subject to governing body approval.

8.2.7 Driveways.

All Driveways shall, at a minimum, be designed in accordance with the following:

- A.** Driveways must be designed in conformance with the Sight Distance specified in this ordinance (Section 8.2.3.I).
- B.** Driveway access to a Street shall not be located less than thirty (30) feet from the right-of-way line of the intersecting Street nor within five (5) feet of a fire hydrant or adjoining lot lines.
- C.** Driveway access to Lots shall be provided to the Street of lesser classification.
- D.** To maintain good access management in the Street network, when a Driveway intersects with a Collector or Arterial Street, joint, shared use, or Reverse Frontage Driveways should be encouraged when such design would increase traffic safety by decreasing the potential for vehicular conflicts.
- E.** Driveways shall be paved within the intersecting Street Right-of-Way.
- F.** Leveling areas shall be provided a minimum of 25 feet from the right-of-way line of the intersecting Street with a maximum slope of 8%.
- G.** Shared or joint Driveways must meet the follow standards:
 - 1.** Shared Driveways shall be used only for four (4) or fewer dwelling units.
 - 2.** To decrease the potential for vehicular conflicts, shared Driveways may be located either partially, centered on, or entirely on one property.
 - 3.** An Easement agreement shall be provided and recorded that indicates the rights of ownership, access, and maintenance. The Municipality is not responsible to settle conflict issues with joint or shared Driveways.

8.2.8 Access Drives.

Access Drives shall be designed to meet the following requirements:

- A.** Any property that utilizes an Access Drive shall have Frontage along a public or private Right-of-Way.
- B.** The plan shall note that the Access Drive does not qualify for Dedication to the Municipality and that the Landowner assumes all responsibility for its maintenance.
- C.** Access Drives shall be designed for their intended function. All travel lanes shall be a minimum of twelve (12) feet wide; however, sufficient design information must be submitted to indicate that the number of travel lanes and width proposed has been designed to accommodate the anticipated traffic to and from the development.
- D.** Parking may be permitted when sufficient Cartway width is proposed. See Section 8.3, Parking Standards.

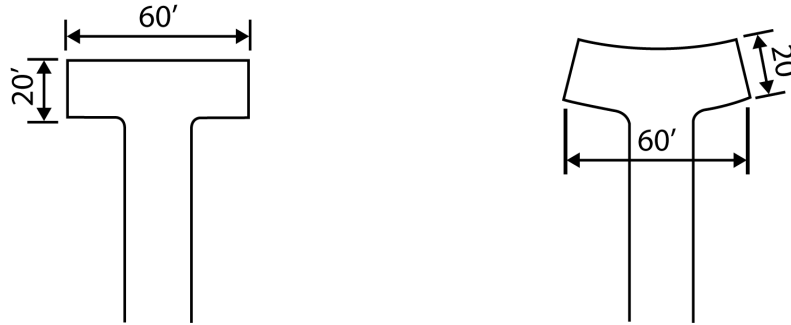
- E. Access Drives shall maintain a centerline separation distance of two hundred (200) feet from all other Access Drives and Streets along arterial, major collector and minor collector streets. Access Drives shall maintain a centerline separation distance of one hundred and twenty-five (125) feet from all other Access Drives and Streets along all other streets. Access Drive intersections with other Access Drives within the Site shall not be subject to such restrictions.
- F. Proper Sight Distance shall be provided at Access Drive intersections with existing public and Private Streets according to this ordinance (Section 8.2.3.I).
- G. The vertical and horizontal alignment requirements are found in 8.2.3.F and 8.2.3.G
- H. Clear Sight Triangles shall be provided at access drives per the Township Zoning Ordinance.
- I. Leveling areas shall be provided a minimum of fifty (50) feet from the right-of-way line of the intersecting Street with a maximum slope of four percent (4%).

8.2.9 Single Access / Cul-de-sac Streets.

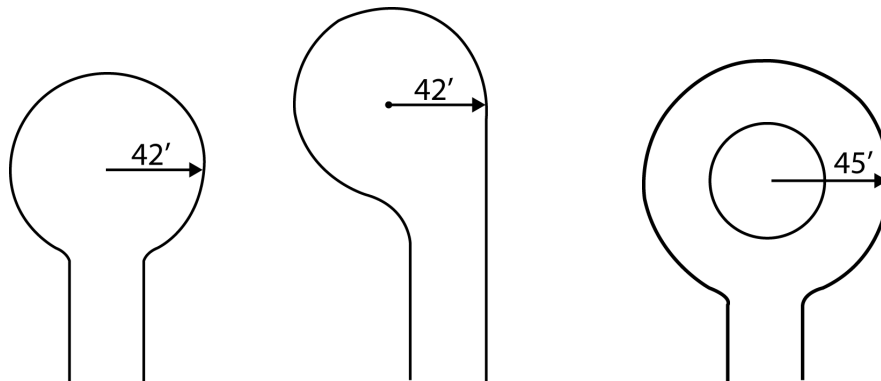
- A. To the greatest extent possible, through Streets shall be provided. The feasibility of a through Street will be based on the physical features of the Tract proposed for development and/or Adjoining Lots, the potential for extension of the Street to adjoining lands based on existing development patterns, restrictions imposed by other government regulations and other recorded documentation, and the ability of the design to meet all other requirements of this Ordinance. When single access / Cul-de-sac Streets are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through Street would not be desirable.
- B. The length of a single access / Cul-de-sac Street shall be measured from the centerline intersection with the through Street to the center point of the turnaround.
- C. All single access / Cul-de-sac Streets shall have a minimum length of two hundred and fifty (250) feet. Temporary single access / Cul-de-sac Streets shall not have a minimum length.
- D. Permanent single access / Cul-de-sac Streets shall be designed to serve a maximum of two hundred and fifty (250) ADT for residential development and a maximum of five hundred (500) ADT for non-residential development.
 - 1. Permanent single access / Cul-de-sac's may be extended beyond above referenced ADT for the following justification provided; 1) the Cul-de-sac is a boulevard construction or 2) the adjacent land is 100% built-up.
- E. Any temporary Cul-de-sac Street designed for access to an adjoining property or for authorized phased development and which is greater than one Lot deep shall be provided with a temporary all-weather turnaround. The use of such turnaround shall be guaranteed to the public until such time as the Street is extended. Sidewalks along temporary Cul-de-sacs must be continued at the same time that the Street is continued.
- F. Cul-de-sacs shall have a circular, "T" shaped or "hammerhead" shaped turnarounds.

Turnarounds shall be constructed completely within the Right-of-Way.

1. T shaped or hammerheads may be used if the Cul-de-sac serves less than 10 dwelling units. Dimensions of a T shaped or hammerhead are sixty (60) feet by twenty (20) feet.



- G. Restoration to the temporary Cul-de-sac paved areas and sidewalk system within the Right-of-Way shall be the responsibility of the Developer.
- H. Permanent Cul-de-sacs with a circular turnaround shall be paved, have a minimum radius of forty two (42) feet without a center island and forty five (45) with a center island.



8.2.10 Street Names.

- A. Continuations of existing Streets shall be known by the same name.
- B. Written notice that the proposed new Street names are acceptable from the Lancaster County-Wide Communications (fax number: 717 664-1126 as amended) shall be submitted.
- C. At least two (2) Street name signs shall be placed at each four-way Street intersection and one (1) at each "T" intersection.
- D. Signs shall be free of visual obstruction. The design of Street name signs should be consistent, of a style appropriate to the Municipality, of a uniform size and color, and erected in accordance with municipal standards.

- E. Private Streets shall be provided with Street name signs in conformance with this section. The plan shall note that it is the responsibility of the Developer to install the Street name signs for Private Streets.

8.2.11 Traffic Signs.

- A. Design and placement of traffic signs shall follow the requirements of the Municipality and PennDOT.
- B. Signs shall be free of visual obstruction.

8.2.12 Dwelling Unit Identification

Street numbers for all dwelling units shall be visible from the approved Street Frontage.

8.2.13 Underground Wiring.

- A. All electric, telephone, television, and other communication facilities distribution lines servicing New Developments should be provided by underground wiring within Easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
- B. Lots which abut existing Easements or public rights-of-way where overhead electric or telephone distribution supply lines and service connections have heretofore been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground.
- C. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments shall follow existing alignments.

8.3 PARKING FACILITIES

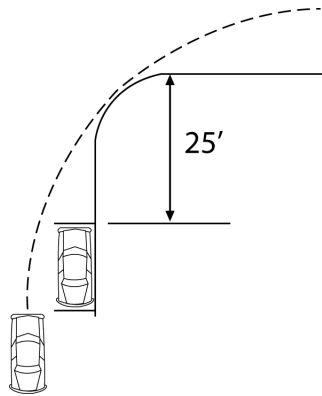
8.3.1 Motorized Vehicle Parking Facilities.

A. Size Standards.

1. Parallel parking shall be a minimum width of 7 feet and a minimum length of 23 feet.
2. Perpendicular parking shall be at least one hundred and eighty (180) square feet. And have a minimum aisle width of 20 feet.
3. Parking space length and width can be increased from minimum sizes where appropriate in accordance with location, use, and turn-over rate.
4. Encroachments such as columns and light poles may encroach into a module by 1 foot and affect up to 30% of the parking spaces.

B. General Standards.

1. Angled parking may be pull in or reverse (back-in).
2. Parking spaces for the physically handicapped shall meet the Americans with Disabilities Act (ADA).
3. Off-Street parking areas shall be oriented to, and within a reasonable walking distance of, the Buildings they are designed for and consistent with adjacent neighborhoods.
4. On-Street parking shall not be located within twenty five (25) feet of a Cartway intersection in order to provide safe Sight Distance and adequate turning radius for large vehicles.



5. Parked vehicles adjacent to sidewalks shall not overhang or extend over the sidewalk in a manner that restricts pedestrian circulation. Where such overhang is not restricted by a wheel stop or other device, sidewalks shall have a four (4) foot minimum clearance width from any obstacles.
6. Not less than a two (2) foot radius of curvature shall be permitted for horizontal curves in parking areas.
7. All dead end parking lots shall be designed to provide sufficient back-up area for all end stalls.
8. Painted lines, arrows, and dividers shall be provided and maintained to control parking, and when necessary to direct vehicular circulation.
9. The typical cross section of any parking compound shall be prepared to meet the following minimum standards:

(a) Non Permeable

Crushed aggregate based course with a minimum thickness of six (6) inches, as specified in the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent. Pavement shall

consist of a minimum of two (2) inches of binder courses and one and one-half (1-1/2) inches wearing surface. Material shall be equal or superior to Pennsylvania Department of Transportation Specifications for Superpave Binder Course and Superpave Wearing Course and shall be applied in accordance with the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent.

Gravel – dust free, all-weather surface on compacted subgrade

(b) Permeable Pavement

Permeable pavement is encouraged but not required. Permeable pavement shall not be located on industrial Sites, fueling stations, Sites with expansive soils or shallow bedrock, areas draining to the permeable pavement greater than 5 acres, areas with the water table less than two feet below the bottom of the pavement base, and less than 100 feet from drinking wells. Permeable pavement includes paving units, porous asphalt pavement, or porous concrete (using single-sized aggregate and low water content); uniformly graded stone aggregate with void space; filter fabric lining the subsurface beds; and uncompacted (or hand compacted) subgrade. Permeable pavement shall consider the infiltration rate of the soil subgrade under the base. Constant supervision during construction is encouraged as sediment must be kept from the aggregate base.

10. Shared parking is encouraged. The number of parking spaces may be reduced if shown that the uses are compatible with regard to parking needs. (See Shared Parking Second Edition, by Urban Land Institute)

8.3.2 Non-Motorized Vehicle Parking Facilities.

Non-motorized vehicle parking facilities shall be provided in accordance with the following regulations when non-motorized vehicle use could occur:

A. Scooter / Bicycle Parking.

Scooter / Bicycle parking facilities for non-residential land uses shall be provided in accordance with the following regulations:

1. Each scooter / bicycle space shall be equipped with a device to which a scooter / bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow scooters / bicycles to be attached or removed without moving other scooters / bicycles. The devices shall also be suitable for use by scooters / bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby design features.
2. Scooter / Bicycle parking spaces shall be convenient to the Structure for which they are provided. They shall be visible from at least one (1) entrance to the Structure.

3. For every 50 vehicular spaces required, 3 scooter / bicycle parking spaces shall be provided, not to exceed a total of 9 required scooter / bicycle parking spaces.

B. Horse and Buggy Parking.

Horse and buggy parking facilities for non-residential land uses shall be provided in accordance with the following:

1. Each horse and buggy parking area shall be equipped with a device to which the horse can be hitched to. A hitching rail is acceptable.
2. At least one horse and buggy parking facility should include a covered shelter/shed protected from the north and west (winter) winds.
3. Horse and buggy parking areas shall be located as to minimize conflicts with motorized vehicles.

8.4 LOTS

8.4.1 Specific Lot Configuration Requirements.

A. Relationship to Municipal Boundaries.

In order to avoid jurisdictional problems, Lot lines shall, wherever feasible, follow municipal boundaries and zoning district lines rather than cross them.

B. Frontage.

All Lots must front on a public or Private Street.

C. Provisions for Future Subdivision.

Lots resulting from a proposed Subdivision that will be large enough to be further subdivided should be configured to facilitate such future Subdivision and should take into consideration the minimum and maximum Lot Area requirements, salient natural features, existing improvements, proposed improvements, and the adjacent development pattern. Lot configurations should provide for flexibility in Building locations, while providing safe vehicular and pedestrian circulation.

When possible, Lots with areas that are two (2) or more times the minimum requirements should be designed with configurations that allow for additional Subdivision. The governing body may require a Sketch Plan of such large Lots that indicates the potential future Subdivision is generally in conformance with the design standards of this Ordinance and the applicable zoning provisions. Sketch Plans shall not be recorded and are not binding to the Applicant.

D. Lot Access.

Lots shall not result in unsafe Driveway locations on public Streets.

E. Flag Lots.

Flag Lots represent a viable design alternative under the following standards. In such cases, evidence shall be submitted to the governing body that documents the circumstances and demonstrates that the platting of Flag Lots shall not restrict the development potential and pattern of development of the Tract and adjacent lands.

1. Adjacent Flagpoles shall be encouraged to share Driveway access points. More than four (4) adjacent Flag Lots shall be oriented to a common public or Private Street Right-of-Way, not Driveways.
2. Flag Lots are encouraged when Infill situations exist to achieve maximum densities in existing residential area.
3. Flag Lots shall not be proposed in order to avoid construction of Streets. Flag Lots proposed to create Lots for home Sites where there is no potential for the construction of a public or Private Street must demonstrate that there is no potential to construct a Street due to: (a) severe topographic or other environmental constraints that limit the design of a Street; or (b) other factors inherent in the Site which make the construction of a public or Private Street impractical.
4. The width of a Flagpole should be determined by the function of the Driveway, number of Lots served, setbacks, grading, and utility requirements.
5. Flag lots are encouraged when preservation of tillable productive farmland (Class 1, 2 or 3) soils can be accomplished. The proposed improvements shall be placed on soils of a less productive classification and shall minimize the loss of Class 1, 2 or 3 soils.

F. Double / Reverse Frontage Lots.

1. Residential Double Frontage Lots are only permitted when a reduction of Driveway intersections along a Street of higher classification is desired or the maintenance of the integrity of a corridor is desired.
2. Reverse Frontage Lots may be permitted when rear Alleys are proposed to provide vehicular access to Lots.
3. All double and Reverse Frontage Lots shall include an identification of the Frontage for use as a Street access.
4. All Reverse Frontage Lots shall have within the Yard(s) that is/are adjacent to any Street Right-of-Way, other than the Street of vehicular access, an Easement running the entire width of the proposed Lot, across which there shall be no vehicular access.

G. Basic Lot configuration

1. Side lot lines shall be substantially at right angles or radial to street lines.
2. Depth of residential lots shall be not less than 1 nor more than 3 times the lot width.

3. Lots shall be suitably shaped to encourage and facilitate use and maintenance of all portions of the lot. Accordingly, lots shall be square or generally rectangular in shape. Lot configurations which result in flag lots and L-shaped, T-shaped, triangular or otherwise inappropriately shaped lots shall be avoided, except as mentioned previously to increase density in existing residential areas or to preserve tillable land.

8.5 EASEMENTS

8.5.1 General.

All Easements including by way of example and not limitation; sanitary sewer facilities, Storm Water drainage facilities, public or private utilities, access and/or pedestrian access shall meet the standards found in this Section.

8.5.2 Design Guidelines.

- A. To the fullest extent possible, Easements shall be centered on property lines.
- B. Nothing shall be placed, planted, set, or put within the area of an Easement that would adversely affect the function of the Easement.
- C. Indicate on the plans all proposed and existing Easements of record and indicate their location and width. All Structures located within the Easement shall be indicated. Note the recording information on the plan of record.
- D. To the fullest extent possible, utilities and pedestrian paths should be centered within an Easement. However, due to unexpected on-Lot conditions, utility and pedestrian locations may be flexible within the Easement.
- E. All utility companies are encouraged to use common Easements. Utility Easements shall be based on the width required by the utility authorities but shall have a minimum width of ten (10) feet. Utility Easements shall be located within the Street Right-of-Way or within the Building Setback Line.
- F. Where pedestrian access is provided outside of a Street Right-of-Way, pedestrian Easements shall have a minimum width of ten (10) feet.
- G. The Applicant shall reserve Easements where Storm Water or surface water management facilities exist or are proposed when located within the boundaries of the Subject Tract. The Applicant proposing to alter existing Storm Water Management facilities on adjacent and/or downstream properties shall obtain a temporary construction Easement or a permanent Easement and maintenance responsibilities shall be established, to the extent feasible.
- H. When the proposed storm water management system will utilize or be integrated into an existing storm water collection or conveyance system, the existing facilities shall be improved to the standards of this Ordinance. The applicant shall determine the impacts of any proposed improvements of the existing system to downstream properties. If the improvements will cause adverse impacts on downstream properties, the applicant shall mitigate such impacts.

8.6 SURVEY MONUMENTS AND MARKERS

8.6.1 Monuments Shown on Final Plan.

The location of all existing and proposed Monuments, Lot Line Markers, property corners, and drill holes shall be shown on the Final Plan. Those that are proposed shall be labeled as such. Drilled holes in curbing shall be referenced mathematically to a point on the Right-of-Way line.

8.6.2 New Monuments.

Three Monuments shall be spaced around the proposed project with precise bearings and distances labeled which reference those Monuments to known property corners.

- A.** Two such Monuments shall be consecutive corners along Street rights-of-way and the third may be placed either on the boundary or internal to the Site.
- B.** Longitude and latitude coordinates of the Monuments shall be shown on the recorded plan.
- C.** If GPS technology is used, it shall be rectified and calibrated to the State Plane Coordinate System, North American Datum (NAD) 1983.
 - 1.** Monuments must be readily accessible and clear of overhead obstructions.
- D.** A computer readable point file including property lines, corners, rights-of-way, and Easements for the Site shall be submitted to the Municipality prior to plan recordation.

8.6.3 Monument Materials.

Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete Monuments shall be marked with a three-quarter (3/4) inch copper, brass dowel, or drill hole; stone or precast Monuments shall be marked on the top with a drill hole.

8.6.4 Existing and Proposed Property Line and Right-of-Way Markers.

Markers shall be set at all points where Lot Lines intersect curves, at all angles in property lines, at the intersection of all other property lines, and at the Street Right-of-Way.

8.6.5 Marker (Pin) Materials.

- A.** Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than five-eighth (5/8) of an inch in diameter.
- B.** Drill holes shall be drilled in concrete curbs (with or without PK nails or discs) having a minimum diameter of one-quarter (1/4) inch. The depth of the holes shall be such that a PK nail or disc, if used, can be set in as close to the surface of the curb as possible. Minimum depth without the use of PK nail or disc shall be one-half (1/2) inch. In the absence of PK nails or discs, chisel or saw marks shall be used to facilitate and identify the drill hole locations.

8.6.6 Certification of Monuments and Markers.

- A.** All Monuments, markers, and drilled holes shall be placed by a registered professional land Surveyor so that the scored marked point, or center of the drilled hole shall coincide with the point of intersection of the lines being Monumented or marked.
- B.** Provide a note on the plan indicating when the Monuments and markers are to be set.

8.7 SANITARY SEWAGE DISPOSAL

8.7.1 Sanitary Sewage Disposal.

The Applicant shall provide the type of Sewage Facility consistent with current plans, including but not limited to the municipal Comprehensive Plan and Act 537 Plan, as well as existing physical, geographical and geological conditions.

- A.** The following types of Sewage Facilities are listed in order of desirability:
 - 1.** Crossroads Community
 - i.** Individual On-Lot Sewage System
 - ii.** Individual Sewage System
 - iii.** Community On-Lot Sewage System
 - iv.** Private Community Sewage System
 - v.** Public Sewage System
 - 2.** Outside Crossroads Community:
 - i.** Individual On-Lot Sewage System
 - ii.** Individual Sewage System
 - iii.** Community On-Lot Sewage System
 - iv.** In order to promote the effective and efficient use of sewer systems and be environmentally sensitive, there shall be no extension of an existing sewer system outside Rural Centers. However, if a sewer exists within the Right-of-Way adjacent to a Site or within an Easement on the Site, then the development should, if practical, utilize the public or private Sewage Facility.
- B.** When the project is within an area planned for sewer service by a municipal sewage facilities plan adopted pursuant to Act 537, the governing body may require installation of a capped system within the road Right-of-Way. If required, the Municipality or authority shall inspect the capped system and accept Dedication.
- C.** Approval by the authority or municipality of the Sewage Facilities shall be received and submitted to the Municipality prior to Final Plan recording.
- D.** Where on-Site sanitary wastewater disposal facilities are to be utilized, each Lot so served shall be of a size and shape to accommodate the necessary subsurface wastewater disposal system at a safe distance from Building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of DEP (Pennsylvania Department of Environmental Protection), as amended. If applicable, each Lot shall contain a suitable location for the installation of an initial individual on-Lot sewage system and to the extent that such technology requires such component under DEP regulations, shall also

contain a suitable location for a replacement on-Lot sewage system. Testing by the sewage enforcement officer to prove that each Lot is suitable for on-Site wastewater disposal shall be completed prior to the submission of the Final Plan.

1. The Applicant shall provide evidence of approval from the Pennsylvania Department of Environmental Protection prior to recording of the Final Plan.
2. If the primary Sewage Facility fails, connection to a private secondary Sewage Facility shall occur as soon as available.
3. Provide a note on the plan indicating any restrictions regarding nitrate plume easements created by the subdivision and land development plan.

8.8 WATER SUPPLY

8.8.1 Intent.

The Applicant shall provide the type of water facility consistent current plans, including but not limited to the municipal Comprehensive Plan, as well as with existing physical, geographical and geological conditions.

8.8.2 Design Guidelines.

- A. The following types of water facilities are listed in order of desirability:
 1. Crossroads Community
 - i. Private wells
 - ii. Privately owned community water supply systems
 - iii. Publicly owned community water supply systems
 2. Outside Crossroads Community:
 - i. Private wells
 - ii. Privately owned community water supply systems
 - iii. Publicly owned community water supply systems
- B. If the project is to be served by either a privately or publicly owned community water supply system, the Applicants shall submit to the governing body documentation in the form of a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission and/or private water utility authority that the project is located in an area served by a public utility and a statement that the utility has the capacity to serve the project at this time; or a cooperative agreement or an agreement to serve the project from a bona fide cooperative association of Lot owners or from a municipal corporation, authority, or utility.
- C. When a private well is proposed on the same Site as an on-Site privately owned Community Sewage System or an Individual Sewage System, a one hundred (100) foot buffer shall be provided around the well or more as required by DEP (Department of Environmental Protection). Each Lot so served shall be of a size and shape to accommodate an adequate water quantity and quality.
 1. If the well is sited within one hundred (100) feet of the property boundary, the applicant must notify affected landowners, via certified mail, of the proposed encroachment of the buffer area. If the well is sited within one hundred (100)

feet of zoned Agricultural land, the notification must explain that the isolation buffer may affect the agricultural nutrient management plan of the adjacent farm operation.

- D.** When a new private water supply system is proposed for development, a copy of the approval of such system by the appropriate agency or utility company that provides the service shall be submitted with the Final Plan. Suitable agreements shall be established for the ownership and maintenance of such a distribution system.
- E.** Prior to installation of any new water system or the Subdivision of land into Lots which would be served by individual wells in areas or in proximity to areas of known groundwater contamination or inadequate yields of potable supplies, aquifer and water quality tests shall be performed pursuant to Sections 7.6 and 7.7.

8.9 HAZARDS ASSOCIATED WITH CARBONATE ROCKS

A. Hydrogeologic Report Required.

A project within carbonate geology shall require submission of a hydrogeologic report pursuant to Section 7.8.

B. Specifications for Sanitary Sewer Systems.

All Subdivisions and Land Developments with individual subsurface disposal systems (on-Lot systems) proposed shall provide an aquifer test.

C. Specifications for Storm Water Management Basins.

- 1.** The design of all Storm Water Management facilities over or near the following features shall include an evaluation of measures to minimize adverse effects and shall be constructed to minimize those effects:
 - (a)** Sinkholes.
 - (b)** Closed depressions.
 - (c)** Lineaments in carbonate areas.
 - (d)** Fracture traces.
 - (e)** Caverns.
 - (f)** Ghost lakes.
 - (g)** Disappearing Streams.

8.10 LANDSCAPING

8.10.1 Native and Invasive Planting.

- A.** Native Plant materials should be incorporated in all designs. The use of Native Plant material can help improve water quality, provide additional and improved wildlife habitat, and typically adapt to local conditions which then require less maintenance.
- B.** The following is a list of invasive plants which may not be used in any planting schedule:

1. Trees.

Tree-of-heaven (*Ailanthus altissima*), Norway maple (*Acer platanoides*), Sycamore maple (*Acer pseudoplatanus*), Empress tree (*Paulownia tomentosa*), Callery pear (*Pyrus calleryana*), Siberian elm (*Ulmus pumila*)

2. Shrubs.

Japanese barberry (*Berberis thunbergii*), European barberry (*Berberis vulgaris*), Russian Olive (*Elaeagnus angustifolia*), Autumn olive (*Elaeagnus umbellata*), Winged Euonymus (*Euonymus alatus*), Border privet (*Ligustrum obtusifolium*), Common Privet (*Ligustrum vulgare*), Tartarian honeysuckle (*Lonicera tartarica*), Standish honeysuckle (*Lonicera standishii*), Morrow's honeysuckle (*Lonicera morrowii*), Amur honeysuckle (*Lonicera maackii*), Bell's honeysuckle (*Lonicera morrowii* x *tatarica*), Common buckthorn (*Rhamnus catharticus*), Glossy buckthorn (*Rhamnus frangula*), Wineberry (*Rubus phoenicolasius*), Multiflora rose (*Rosa multiflora*), Japanese spiraea (*Spiraea japonica*), Guelder rose (*Viburnum opulus* var. *opulus*)

3. Grasses.

Cheatgrass (*Bromus tectorum*), Japanese stilt grass (*Microstegium vimineum*), Maiden grass (*Miscanthus sinensis*), Common reed (*Phragmites australis*), Reed canary grass (*Phalaris arundinacea*), Johnson grass (*Sorghum halepense*), Shattercane (*Sorghum bicolor* ssp. *drummondii*)

4. Flowers.

Garlic mustard (*Alliaria petiolata*), Goutweed (*Aegopodium podagraria*), Bull thistle (*Cirsium vulgare*), Canada thistle (*Cirsium arvense*), Musk thistle (*Carduus nutans*), Jimsonweed (*Datura stramonium*), Goatsrue (*Galega officinalis*), Giant hogweed (*Heracleum mantegazzianum*), Dame's rocket (*Hesperis matronalis*), Purple Loosestrife (*Lythrum salicaria*, *L. virgatum*), Eurasian water-milfoil (*Myriophyllum spicatum*), Star-of-Bethlehem (*Ornithogallum nutans*, *umbellatum*), Japanese knotweed (*Polygonum (Falopia) cuspidatum*/ *Polygonum sachalinense*), Wild parsnip (*Pastinaca sativa*), Beefsteak plant (*Perilla frutescens*), Lesser celandine (*Ranunculus ficaria*), Water chestnut (*Trapa natans*)

5. Vines.

Fiveleaf akebia (*Akebia quinata*), Porcelain-berry (*Ampelopsis brevipedunculata*), Oriental bittersweet (*Celastrus orbiculatus*), Japanese honeysuckle (*Lonicera japonica*), Kudzu (*Pueraria lobata*), Mile-a-minute vine (*Polygonum perfoliatum*)

8.10.2 Street Trees / Screening / Vegetative Buffering.

- A. Any Landscaping should create, or be part of the process to create larger landscape patches and corridor ecosystems with larger interior areas and less edge areas. Connectivity to existing Landscaping shall be encouraged.

- B.** In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first floor windows from the Street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths.
- C.** Off Street parking and storage of vehicles in Front Yards of commercial, industrial, and institutional Lots shall be screened at least 50% from the public Right-of-Way by vegetative Screening or fencing between 3 and 4 foot in height.
- D.** Trash disposal areas, such as dumpster or compactor sites, shall be effectively screened so as not to be visible from off Site adjacent parking areas, roadways, or adjacent residential properties. Such areas shall be screened with a combination of architectural masonry (or fencing) and/or Landscaping with a height of at least six (6) feet.
- E.** All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANZIZ60, current edition, as amended.

 - 1.** Provide a landscape plan note indicating that the top of the main order root (first large set of roots that divide from the trunk) shall be planted no lower than one or two inches into the soil.
 - 2.** No staking and wiring of trees shall be allowed without a maintenance note for the staking and wiring to be removed within one year of planting.
 - 3.** If Street trees are provided; they shall be in accordance with the following standards:

 - (a)** The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees within the Right-of-Way shall be subject to the approval of the authority that accepts ownership of the Street.
 - (b)** All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - (c)** The trunk caliper, measured at a height of six (6) inches above finish grade shall be a minimum of two (2) inches.
 - (d)** Tree planting depth shall bear the same relationship to the finished grade as the top of the root ball or original grade of origin.
- F.** All required landscape plants shall be maintained and guaranteed for a length of eighteen (18) months from the date of planting. No more than one-third (1/3) of the tree or shrub shall be damaged or dead without replacement. Replacement plants shall conform to all requirements of this section and shall be maintained after replanting for an additional eighteen (18) months.

- G.** The plant's growth shall not interfere with the Street Cartway, sidewalk, signage, Easements, Clear Sight Triangles, or utility line. Within the Clear Sight Triangle, typical branching shall not be within ten (10) feet of ground level after ten (10) years of growth.
- H.** No one species shall comprise more than thirty-three percent (33%) of the entire number of Street trees in a particular development.
- I.** Existing Significant Trees and natural features, such as drainage corridors, shall be preserved to the maximum extent practicable and incorporated into Site plans and Site design as major amenities.
- 1.** If a Significant Tree is designated to be preserved but is removed or substantially damaged during the clearing, grading, or construction, the Applicant or Developer may be required by the Municipality to replace the removed or damaged tree.
- J.** If Street trees are provided in Land Developments which include new Streets:
- 1.** Street trees shall not be located farther than forty (40) feet away from the new Street Right-of-Way.
 - 2.** The number of Street trees shall be based on 2 Street trees required for every 100 linear foot of new Street measured along the centerline.
 - 3.** The spacing of trees shall be based on the size of the tree canopy at maturity with trees spaced no closer than 30 feet on center if the tree canopy is less than 30 foot spread at maturity, spaced 30-60 feet on center if the tree canopy is 30 to 50 feet spread at maturity, and Street trees spaced 50-100 feet on center if the tree canopy is over 50 feet spread at maturity. When a less formal arrangement is desired, where more massing is appropriate, or improvements such as benches are located grouping of Street trees is encouraged.
 - 4.** Other tree species may be used provided acceptable information is submitted to indicate that the species are hardy trees or fits the sites ecosystem. Street trees shall be one of the following species:

Common Name	Botanical Name	Height/Spread	Drought Tolerances	Soil Type	Soil Acidity/Aerosol Salt Tolerance	Soil Saturation Preference	Root Pattern	Canopy Structure/Growth Rate
Sugar Maple	Acer saccharum	70/40	Sensitive to reflected heat and drought	Sand; loam. Not compacted	Acidic; alkaline/ Not tolerant	Well drained	Often shallow	Dense Oval/ Mod-slow growing
River birch	Betula nigra	40-50/ 25-35	Moderate	Clay; loam	Acidic	Extended flooding to well drained	Not a problem	Narrow-pyramidal crown/ Fast growing when moist
American Hornbeam	Carpinus caroliniana	20-30/ 20-30	Some intermittent drought	Loam; clay	Tolerate high pH	Prefers shaded and moist	Not a problem	Round/ spreading

Common Hackberry	<i>Celtis occidentalis</i>	45-80/ 40-50	Highly tolerant	Clay; loam	Tolerant of highly alkaline to moderate acidic	Extended flooding to well drained	Large surface roots	Round/Prune to prevent weak branch crotches
Eastern redbud	<i>Cercis canadensis</i>	20-30/ 15-25	High	Clay; sand; loam	Alkaline; acidic/Not tolerant	Occasional wet to well-drained	Not a problem	Round/Fast growing/Prune structure
American Yellowwood	<i>Cladrastis kentuckea</i>	30-50/ 40-50	Moderate	Clay; sand; loam	Alkaline; acidic	Occasional wet to well-drained	Surface roots when wet	Round/Moderate/ Prune structure
American beech	<i>Fagus grandifolia</i>	50-75/ 40-60	Moderate to low	Sand; loam	Acidic/Low Tolerance	Needs well-drained	Surface roots/ Needs space	Very dense oval/ Moderate
Thornless Honeylocust	<i>Gleditsia triacanthos inermis</i>	50-70/ 35-50	Highly tolerant	Clay; sand; loam	Alkaline; acidic/ highly tolerant	Occasional wet to well-drained	Can grow surface roots	Open oblong
Sweetgum	<i>Liquidambar styraciflua</i>	60-75/ 35-50	Moderate to little	Clay; sand; loam	Acidic / Moderately tolerant	Extended flooding to well-drained	Surface roots when moist	Pyramidal/ Extreme sensitivity to construction
Tuliptree	<i>Liriodendron tulipifera</i>	80-100 /30-50	Moderate	Sand; loam	Acidic / No tolerance	Well-drained to occasional wet	Not a problem; Needs space	Oval / Moderate growth
Blackgum/ Sourgum	<i>Nyssa sylvatica</i>	65-75/ 25-35	Highly tolerant	Clay; loam	Acidic/ Moderately tolerant	Extended flooding to well-drained	Not a problem; deep roots	Pyramidal/ Slow growth
American Hophornbeam	<i>Ostrya virginiana</i>	25-50/ 25	Tolerant once established	Sand; loam	Poor salt tolerance pH adaptable	Prefers moist when young	Not a problem	Rounded
Sycamore	<i>Platanus occidentalis</i>	75-90/ 50-70	Highly tolerant	Clay; loam; should not dry out	Alkaline; acidic /Moderately tolerant	Extended flooding to well-drained	Can grow surface roots	Dense pyramidal/ Fast growing
White Oak	<i>Quercus alba</i>	60-100 /60-80	Moderate to low	Sand; loam; should not dry out	Acidic / Highly tolerant	Occasional wet to well-drained	Not a problem	Pyramidal/ Slow growing
Shingle Oak	<i>Quercus imbricaria</i>	40-60/40-60	Tolerant intermittent drought	Rich; deep; well drained	Alkaline soils up to 7.5 pH	Moist	Not a problem	Rounded/ Transplants well
Chestnut Oak	<i>Quercus montana</i>	50-60/ 40-60	Highly tolerant	Sand; loam	Acidic/ unknown salt tolerance	Well-drained	Root flare when older	Round/ Moderate growth
Swamp White Oak	<i>Quercus bicolor</i>	50-70/ 50-70	Moderate	Clay; sand; loam	Acidic/ Moderate tolerance	Extended flooding to well-drained	Not a problem	Round/ Moderate growth; long lived
Basswood/ American Linden	<i>Tilia americana</i>	50-80/ 35-50	Moderate	Sand; loam	Acidic; alkaline/ Low tolerance	Well-drained	Not a problem; Needs space	Dense; Pyramidal / Moderate

8.10.3 Ground Cover.

Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone, or other solid material shall be protected with a suitable ground cover, consisting of spreading plants including sods and grasses less than eighteen (18) inches in height.

8.10.4 Existing Wooded Areas.

No more than twenty percent (25%) of existing woodlands located in Environmentally Sensitive Areas shall be destroyed or altered. If the Applicant can prove that Invasive Species are within either of these areas, then the percent of woodlands to be removed may be increased to eradicate Invasive Species. Note exceptions are permitted for the clearing of land for agricultural purposes as identified in the zoning ordinance.

8.10.5 Tree Protection Zone.

- A.** Prior to construction the Tree Protection Zone shall be delineated at the Dripline of the tree canopy. All trees scheduled to remain shall be marked; however, where groups of trees exist, only the trees on the edge need to be marked. A forty-eight (48) inch high snow fence or forty-eight (48) inch high construction fence mounted on steel posts located eight (8) feet on center shall be placed along the boundary of the Tree Protection Zone.
- B.** No construction, storage of material, temporary parking, pollution of soil, or regrading shall occur within the Tree Protection Zone. When there is a group of trees, the Tree Protection Zone shall be based on the location of the outer trees.

8.11 LIGHTING

8.11.1 Purpose.

The purpose of this section is to set minimum standards for outdoor lighting which:

- A.** Provide lighting standards in outdoor public places where public health, safety, and welfare are potential concerns.
- B.** Control Glare from non-vehicular light sources that impair safe travel.
- C.** Protecting neighbors and the night sky from nuisance Glare and stray light from poorly aimed, placed, applied, maintained, or shielded light sources.
- D.** Protecting and retaining the Rural character of the Municipality.
- E.** Lighting can be provided by fixtures that do not require the installation of electrical lines provided that the illumination standards required by this Section are met and that the fixture type is noted on the plans to be recorded.

8.11.2 Applicability.

Outdoor lighting within Crossroad Communities may be required for safety and personal security in areas of public assembly and travel. The Municipality may require lighting to be incorporated

for other uses or locations as they deem necessary. The Glare control requirements herein contained apply to lighting in all above mentioned uses as well as sign, architectural, Landscaping, and residential lighting.

8.11.3 Illumination Levels.

Lighting shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook. Examples of intensities for typical outdoor applications, as extracted from the 8th Edition of the Lighting Handbook, are presented below:

Use	Task	Maintained Footcandles ¹	Uniformity Ratio ² (Max.:Min.)
Streets³	Local Residential	0.4 Min.	6:1
	Local Commercial	0.9 Min.	6:1
Parking: Multi-Family Residential	Low Vehicular/Pedestrian Activity	0.2 Min.	4:1
	Medium Vehicular/Pedestrian Activity	0.6 Min	4:1
	Medium Activity (e.g., community shopping centers, office parks, hospitals, commuter lots, cultural /civic/recreational events)	0.6 Min.	4:1
	Low activity (e.g., neighborhood shopping, industrial employee parking, schools, church parking, farm businesses, farm operations)	0.2 Min.	4:1
Building Entrances and Signs		4.0 Avg.	-

1. Illumination levels are maintained horizontal Footcandles on the task, e.g., pavement or area surface.

2. Uniformity ratio is a measure of the dispersion of light on an area. The ratio is measured as maximum light level to minimum light level. Example: 4:1 for the given area, the maximum level of illumination should be no less than 4 times the minimum level of illumination ($0.2 \times 4 = 0.8$ maximum light level)

3. Streets should not typically be lighted outside the Churchtown Village District as shown in the Zoning Ordinance.

8.11.4 Lighting Fixture Design.

- A. Dedicated fixtures shall be of a type and design appropriate to the lighting application and aesthetically acceptable to the Municipality.
- B. For lighting horizontal tasks such as roadways, sidewalks, entrances, and parking areas, fixtures shall meet IESNA Fully Shielded criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture). Individual fixtures whose aggregate lamp output does not exceed one thousand eight hundred (1,800) lumens (typical household outdoor lighting) are exempt from this requirement.
- C. The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and spheres, and other fixtures not meeting IESNA full-cutoff criteria shall be permitted only with the approval of the Municipality, based upon applicability in retaining the Urban

character of the Municipality and achieving acceptable Glare control.

- D. Fixtures shall be equipped with, or be modified to, incorporate light directing and/or shielding devices such as shields, visors, skirts, or hoods to redirect offending light distribution and/or reduce direct or reflected Glare. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

8.11.5 Control of Nuisance and Disabling Glare.

- A. All outdoor lighting shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely travel.
- B. Unless for safety, security, or all-night operations, lighting shall be controlled by automatic switching devices to permit extinguishing between eleven (11) p.m. and dawn.
- C. Lighting proposed for use after eleven (11) p.m., or after the normal hours of operation, shall be reduced by an average of seventy-five percent (75%) from that time until dawn, unless supporting a specific purpose.
- D. Vegetation screens shall not be employed to serve as the primary means for controlling Glare.
- E. The intensity of illumination projected onto an existing residential use from an existing property boundary shall not exceed 0.1 vertical Footcandle, measured at the existing property line at a height of 5 feet.

8.11.6 Installation.

- A. Electrical feeds to lighting standards shall be run underground, not overhead.
- B. Pole mounted fixtures shall not be mounted in excess of 25 feet high.
- C. Lighting standards in parking areas shall be placed outside paved areas or on concrete pedestals at least thirty (30) inches high above the pavement, or by other approved protective means.

8.11.7 Post-Installation Inspection.

The Municipality reserves the right to conduct a post installation nighttime inspection to verify compliance with the requirements of this Ordinance and, if appropriate, to require remedial action at no expense to the Municipality.

8.11.8 Street Lighting Dedication.

- A. The Municipality must accept Dedication of Street lighting facilities located within the Right-of-Way of a Street dedicated to the Municipality.
- B. Until such time as the Street lighting is dedicated, the Developer of the Tract (who has escrowed the Street lighting) will be responsible for any and all costs associated with

each Streetlight. Such costs shall include, but not be limited to: administration, placement, and maintenance. Electrical charges shall be the responsibility of the Municipality at the issuance of the first Building occupancy permit within the development.

- C. Streetlights not dedicated to the Municipality will remain the responsibility of the Developer or appropriate private entity including all costs and responsibilities for the lighting in perpetuity.

8.12 PRESERVATION OF NATURAL, HISTORIC, AND CULTURAL FEATURES

8.12.1 Intent.

Mature trees, topography, natural drainage ways, and historic sites are a few of the elements that contribute to the distinct character of our Municipality. To protect these features and resources that enhance the local character, Rural projects shall work with the context and integrity of this environment by preserving natural, historical, and cultural features to the maximum extent possible.

8.12.2 Design Guidelines.

Rural projects should integrate existing natural features, required open space, existing historic Structures, and cultural resources located on the Site into the overall design and layout of the development.

- A. A Site analysis shall be submitted using all applicable reports, plans, and maps to determine whether significant natural or other features exist on a Site that should be protected, with priority being given to the following areas (which are not listed in order of priority or significance):
 - 1. Floodplains, surface drainage Swales, bodies of water;
 - 2. Wetlands;
 - 3. Existing Significant Trees;
 - 4. Historical, cultural, or archeological sites or areas recognized by the Municipality, state, or federal governments as significant;
 - 5. Prominent Topography;
 - 6. Steep Slopes; and
 - 7. Prime farmland
- B. The proposed Building and impervious footprint(s) shall be clearly identified on each plan to identify potential impacts to existing trees, other natural features, historic structures, and cultural resources.

ARTICLE 9 MOBILE HOME PARKS

9.1 GENERAL STANDARDS

In accordance with the provision of the Pennsylvania Municipalities Planning Code, Act 247, Article V, Section 501, as amended, mobile home parks and sites for the placement of manufactured housing are governed as subdivisions or land developments, and are subject to the procedures and standards of this Ordinance; except as modified by the specific requirements of the Caernarvon Township Zoning Article XIII - Mobile Home Parks.

APPENDIX A
CERTIFICATIONS

LANDOWNER

A statement duly acknowledged before an officer authorized to take acknowledgement of Deeds and signed by all Landowners. This statement shall be signed and dated on or after the last change or revision to said plan.

A. Individual - Certification of Ownership, Acknowledgement of the Plan, and Offer of Dedication.

Commonwealth of Pennsylvania
County of Lancaster

On this, the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ who being duly sworn according to law, deposes and says that he is the _____ of the property shown on this plan, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all Streets and other property identified as proposed public property (excepting those areas labeled “not for dedication” are hereby dedicated to the public use.

Signature of Landowner

Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

My Commission Expires _____, 20_____

B. Co-Partnership - Certification of Ownership, Acknowledgement of the Plan, and Offer of Dedication.

Commonwealth of Pennsylvania
County of Lancaster

On this, the _____ day of _____, 20_____, before me, the undersigned officer, personally appeared _____, being of the firm of _____ who being duly sworn according to law, deposes and says that the co partnership is the _____ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledges the same to be his act and plan and desires the same to be recorded, and that all Streets and other property identified as proposed public property (excepting those areas labeled “not for dedication”) are hereby dedicated to the public use.

Signature of the Individual

Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds

My Commission Expires _____, 20_____

C. Corporate - Certification of Ownership, Acknowledgement of the Plan, and Offer of Dedication.

Commonwealth of Pennsylvania
County of Lancaster

On this, the _____ day of _____, 20_____, before me, the undersigned officer, personally appeared _____, being _____ of _____ (Name of Corporation), who being duly sworn according to law, deposes and says that the corporation is the _____ of the property shown on this plan, that he is authorized to execute said plan on behalf of the corporation, that the plan is the act and Deed of the corporation, further acknowledges, that all Streets and other property identified as proposed public property (excepting those areas labeled “not for dedication”) are hereby dedicated to the public use.

Signature of the Individual

Corporate Seal

Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

My Commission Expires _____, 20_____

SURVEYOR, ENGINEER AND/OR LANDSCAPE ARCHITECT STATEMENT OF ACCURACY
--

A. Survey Certification of Accuracy.

I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Caernarvon Township Subdivision and Land Development Ordinance and/or Storm Water Management Ordinance.

_____, 20____

B. Storm Drainage Plan Certification.

I hereby certify that, to the best of my knowledge, the storm drainage facilities shown and described hereon are designed in conformance with the Caernarvon Township Subdivision and Land Development Ordinance and/or Storm Water Management Ordinance.

_____, 20____

C. General Plan/Report Data.

I hereby certify that, to the best of my knowledge, the _____(title of plan/report data) shown and described hereon is true and correct to the accuracy required by Pennsylvania State Law and the Caernarvon Township Subdivision and Land Development ordinance and /or Storm Water Management Ordinance.

_____, 20____

MUNICIPAL APPROVAL

A. Caernarvon Township Preliminary Plan Approval Certification

At a meeting on _____, 20____, the Caernarvon Township Board of Supervisors granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked Sheet(s) _____ through _____ which form a part of the application dated _____, last revised _____. This plan may not be recorded in the office of the Lancaster County Recorder of Deeds, nor may any construction be initiated but when combined with the other necessary approvals and permits, grants of authority to install on the Public Improvements required as part of the plan.

Township Supervisor Signature

Township Supervisor Signature

B. Caernarvon Township Final Plan Approval Certification

At a meeting on _____, 20____, the Caernarvon Township Board of Supervisors approved this project, and all conditions have been met. This approval includes the complete set of plans and information that are filed with the Municipality in File No. _____, based upon its conformity with the standards of the Caernarvon Township Subdivision and Land Development Ordinance and Storm Water Management Ordinance.

Township Supervisor Signature

Township Supervisor Signature

C. Caernarvon Township Planning Commission Review Certification

At a meeting on _____, 20____, the Caernarvon Township Planning Commission reviewed this plan.

Planning Commission Signature

Planning Commission Signature

D. Caernarvon Township Engineer Review Certificate

Reviewed by the Caernarvon Township Engineer.

Municipal Engineer

Date

LANCASTER COUNTY APPROVAL

A. Lancaster County Planning Commission Review Certificate

The Lancaster County Planning Commission, as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, reviewed this plan on _____, 20____, and copy of the review is on file at the office of the Planning Commission in LCPC File No. _____. This certification does not indicate approval or disapproval of the plan by the Lancaster County Planning Commission, and the Commission does not represent nor guarantee that this plan complies with the various ordinances, rules, regulations, or laws of the local Municipality, the Commonwealth, or the Federal Government.

Chairman Designee signature

Vice Chairman Designee signature

C. Lancaster County Planning Commission Waiver Certificate

For plans reviewed under Article V Section 502(b) and memorandum of Understanding between the municipality dated _____

This Plan, bearing LCPC File No. _____, accepted by the Lancaster County Planning Commission this _____ day of _____, 20_____.

Chairman Designee signature

Vice Chairman Designee signature

APPENDIX B

APPLICATION FOR CONSIDERATION OF A SUBDIVISION AND/OR LAND DEVELOPMENT PLAN

For Municipal Use Only:

File No. _____
Date of Receipt / Filing: _____
Planning Commission Meeting Date: _____
Governing Body Meeting Date: _____

The undersigned hereby applies for approval under ____ Caernarvon Township Subdivision and Land Development Ordinance for the Plan, submitted herewith and described below:

1. Application Classification:

_____ Sketch Plan	_____ Preliminary Plan
_____ Final Plan	_____ Preliminary/Final Plan
_____ Centerline Separation Plan	_____ Consolidation Plan
_____ Lot Add-On Plan	_____ Revised Subdivision Plan
_____ Waiver / Modification Process	_____ Modified Final Plan
2. Plan Name: _____
Consultant Project No.: _____
Plan Date: _____
3. Project Location: _____

4. Name of Property Owners(s): _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____

Second Property Owners(s): _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____
5. Land Use and Number of Lots and/or Units (indicate answer by number):

_____ Single Family Detached	_____ Commercial
_____ Multi-Family Attached	_____ Industrial
_____ Agricultural	_____ Institutional
_____ Mixed Use	_____ Other (please specify)
6. Name of Applicant (if other than owner): _____
Address: _____ Phone No.: _____
7. Firm which prepared the plan: _____
Address: _____ Phone No.: _____
Person Responsible for the Plan: _____

8. Zoning District: _____
Is a Zoning Variance, Special Exception, and/or Conditional Use Approval Necessary? Y / N
If yes, please specify: _____

9. Net Acreage of Parent Tract(s): _____
Gross Acreage of Parent Tract(s): _____
Square Feet of Ground Floor Area: _____
10. Type of Water Supply Proposed:
_____ Public Owned Community _____ Privately Owned Community
_____ Private On-Lot Well
11. Type of Sanitary Sewage Disposal Proposed:
_____ Public _____ Private Community
_____ Community On-Lot _____ Individual On-Lot
12. Sewage Facilities Plan Revision or Supplement Number _____
Date Submitted _____ 20, _____
13. Lineal Feet of New Street: _____
Identify all Street(s) Not Proposed for Dedication: _____

14. Acreage Proposed for Park or Other Public Use: _____

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct, and complete.

_____, 20_____
Signature of Landowner or Applicant Date

_____, 20_____
Signature of Landowner or Applicant Date

We do hereby request the Lancaster County Planning Commission review the enclosed Subdivision or Land Development Plan in accordance with the Pennsylvania Municipalities Planning Code, Act 247, of 1968, as amended, Article V, Section 502.

Signature Title Date

For LCPC Use Only:

LCPC File No. _____

Date of Receipt: _____, 20____

Lancaster County Planning Commission Meeting Date: _____

APPENDIX C

APPLICATION FOR CONSIDERATION OF A MODIFICATION

For Municipal Use Only:

File No. _____

Date of Receipt / Filing: _____

Planning Commission Meeting Date: _____

Governing Body Meeting Date: _____

The undersigned hereby applies for approval of a Modification / waiver, submitted herewith and described below:

1. Plan Name: _____
Plan No.: _____ Plan Date: _____

2. Project Location: _____

3. Name of Property Owners (s): _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____

Second Property Owners (s): _____
Address: _____ Phone No.: _____
Source of Title: _____ Account No.: _____

4. Specific Section of the Subdivision and Land Development Ordinance for which a Modification is requested: _____

The Proposed Alternative to the Requirement: _____

Justification for the Modification / Waiver: _____

The undersigned hereby represents that, to the best of their knowledge and belief, all information listed above is true, correct, and complete.

_____, 20____
Signature Date

APPENDIX D
MEMORANDUM OF UNDERSTANDING

INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH PRELIMINARY PLAN APPROVAL
--

This Memorandum of Understanding is entered into by and between the following parties:
CAERNARVON TOWNSHIP, hereinafter called "Township" and
_____, hereinafter called "Developer".

RECITALS:

WHEREAS, Developer has submitted to the Township a plan and application for Subdivision or Land Development Plan located in _____ which is known and designed as _____.

WHEREAS, Township and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the Public Improvements and pay the costs involved in processing, inspecting, and reviewing Developer's Subdivision and Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, Township and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete only those Public Improvements required by the Developer's Subdivision and Land Development Plan, subject to the approval of the plan and specifications by the Township.
2. The Developer, prior to the commencement of work, shall provide in writing to the Township a notice of intent to commence construction and to provide an anticipated construction commencement date.
3. The Township, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all Public Improvements.
4. Upon completion of the Public Improvements, the Developer shall give notice to the Township, in writing, to inspect the Public Improvements. The Township shall inspect the Public Improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Township disapproves, they shall notify the Developer promptly.
5. Developer agrees to reimburse the Township for professional engineering consultant services, and Lancaster County Planning Commission services necessitated by the review and approval of the developer's plans and necessitated by the review and inspection of all required Public Improvements (both at the plan and installation stages) at the prevailing

rate, plus associated itemized expenses, where applicable. It is agreed that professional engineering consultant services, and Lancaster County Planning Commission services shall be payable by developer within forty-five (45) days after the date of invoice and prior to final approval of developer's Subdivision or Land Development Plan.

- 6. Where applicable, developer agrees to reimburse the Township for solicitor services necessitated by the review and approval of the developer's plan, and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within forty-five (45) days after the date of invoice and prior to final approval of developer's Subdivision or Land Development Plan.
- 7. Notwithstanding the foregoing, developer reserves the right to contest the amount and/or reasonableness of the fees pursuant to the provisions of the MPC.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this _____ day of _____, 20____.

TOWNSHIP BOARD OF SUPERVISORS

(Notary Seal) DEVELOPER

APPENDIX D-1

MEMORANDUM OF UNDERSTANDING AND FINANCIAL SECURITY

INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH FINAL PLAN APPROVAL
--

This Memorandum of Understanding is entered into by and between the following parties:
CAERNARVON TOWNSHIP, hereinafter called "Township" and
_____, hereinafter called "Developer".

RECITALS:

WHEREAS, Developer has submitted to the Township a plan and application for a Subdivision or Land Development Plan located in _____ which is known and designated as _____.

WHEREAS, Township has required and Developer has agreed that Public Improvements shall be completed by the Developer, as provided in Article 6 of the Caernarvon Township Subdivision and Land Development Ordinance of 20____, as amended.

WHEREAS, Township and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the Public Improvements and pay the costs involved in processing, inspecting, and reviewing Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, Township and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete only those Public Improvements required by the Developer's Subdivision or Land Development Plan, subject to the approval of the plans and specifications by the Township.
2. The Township, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all Public Improvements.
3. Upon completion of the Public Improvements, the Developer shall give notice to the Township, in writing, to inspect the Public Improvements. The Township shall inspect the Public Improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Township disapproves, they shall notify the Developer promptly.
4. Developer agrees to reimburse the Township for professional engineering consultant services, and Lancaster County Planning Commission services necessitated by the review and approval of the developer's plans and necessitated by the review and inspection of all

required Public Improvements (both at the plan and installation stages) at the prevailing rate, plus associated itemized expenses, where applicable. Developer agrees to reimburse the Township for engineering, professional consultant services, and Lancaster County Planning Commission services associated with the As-Built Plan review. It is agreed that professional engineering consultant services, and Lancaster County Planning Commission services shall be payable by developer within forty-five (45) days after the date of invoice and prior to final approval of developer's Subdivision or Land Development Plan.

- 5. Where applicable, developer agrees to reimburse the Township for solicitor services necessitated by the review and approval of the developer's plan and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within forty-five (45) days after the date of invoice and prior to final approval of developer's Subdivision or Land Development Plan.
- 6. Notwithstanding the foregoing, developer reserves the right to contest the amount and/or reasonableness of the fees pursuant to the provisions of the MPC.

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this _____ day of _____, 20____.

TOWNSHIP BOARD OF SUPERVISORS

(Notary Seal) DEVELOPER

FINANCIAL SECURITY

This Financial Security is entered into by and between the following parties: CAERNARVON TOWNSHIP, hereinafter called "Township" and _____, hereinafter called "Developer".

RECITALS:

WHEREAS, Developer has submitted to the Township a Plan and application for a Subdivision and Land Development Plan located on _____ which is known and designated as _____.

WHEREAS, Township and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the Public Improvements, provide a financial security, and pay the costs involved in inspecting and approving Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intended to be legally bound hereby, Township and Developer agree as follows:

1. The Developer, at their own cost and expense, shall proceed to perform and complete all Public Improvements required by the Developer's Subdivision or Land Developer Plan, subject to the approval of the Plans and specifications by the Township.
2. To assure completion of the Public Improvements required as a condition for the final approval of the Developer's Subdivision and Land Development Plan, the Developer shall provide for deposit with the Township, financial security (consistent with Article 6 of the Caernarvon Township Subdivision and Land Development Ordinance of 20____, as amended, in the amount sufficient to cover the costs of all Public Improvements, including, but not limited to, Streets, Street signs, sidewalks, curbs, Landscaping, storm drainage for Dedication or which affect adjacent properties or Streets, sanitary sewer facilities for Dedication, water supply facilities for Dedication, fire hydrants, Lot Line Markers, survey Monuments, and other related facilities. Such security shall provide for, and secure the completion of the Public Improvements within one (1) year of the date fixed in the Subdivision or development Plan. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of the required Public Improvements for which financial security is posted. The cost of the Public Improvements shall be established by submission to the Township of an estimate prepared by the Developer's Engineer, subject to review, comment, and approval by the Township or its designees.
3. The Township, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all Public Improvements.
4. Upon completion of the Public Improvements, the Developer shall give notice to the Township or its designee, in writing, to inspect the Public Improvements. The Township or its designee shall inspect the Public Improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Township or its designee disapproves, they shall notify the Developer promptly.

5. Developer agrees to reimburse the Township for professional engineering consultant services, necessitated by the review and approval of the developer's Plans and necessitated by the review and inspection of all required Public Improvements at the prevailing rate, plus associated itemized expenses, where applicable. It is agreed that engineering, professional consultant services shall be payable by Developer within ten (10) days after the date of invoice and prior to final approval of developer's Subdivision or Land Development Plan.
6. Where applicable, Developer agrees to reimburse the Township for solicitor services necessitated by the review and approval of the developer's Plan(s), and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within ten (10) days after the date of invoice and prior to final approval of Developer's Subdivision or Land Development Plan.

IN WITNESS WHEREOF, the parties hence caused this Financial Security to be executed, dated this _____ day of _____, 20_____.

TOWNSHIP BOARD OF SUPERVISORS

(Notary Seal) DEVELOPER

APPENDIX E

NOTICE OF APPROVAL OF NEW STREET NAME(S)

Municipality name: Caernarvon Township

Municipality address: _____

Date: _____

File No.: _____ (To be Completed by Applicant)

Plan Name: _____ (To be Completed by Applicant)

Lancaster County-Wide Communications has reviewed and approved the following new Street names:

(Applicant to provide on this form a list of all proposed new Street names prior to submitting this form for approval. This form must bear the authorized signature from Lancaster County-Wide Communications.)

Authorized Signature from Lancaster County-Wide Communications

APPENDIX F

GENERAL DESIGN GUIDELINES WITH HISTORIC FEATURES

- A. *Size, Scale and Proportion.***
New construction should reflect the dominant proportions, size and scale of Buildings comprising the Streetscape. The height and width of the front façade should relate to the average height and width of historic Buildings. New Buildings should be designed within ten percent of the average height of adjacent historic Buildings.
- B. *Massing and Shape.***
Building shape, massing, and roof shape of new construction should reflect that found in surrounding Buildings.
- C. *Materials and Textures.***
Building materials, textures and treatments should be compatible with surrounding Buildings. Where traditional materials, such as brick, stone, and wood area common in the immediate neighborhood, use of these materials on front facades and secondary facades for corner properties is recommended.
- D. *Rhythm and Patterns.***
Design elements of principle facades should reflect the neighborhood patterns. Examples include prevalent vertical or horizontal orientation of elements. Large Buildings can be divided into bays to reflect neighborhood rhythms.
- E. *Cornice and Floor-to-Floor Heights.***
Design elements of principal facades should reflect the cornice and floor-to-floor heights, spacing between windows and doors and between windows and cornices or rooflines, or should incorporate detailing to suggest the same. The design should also reflect the dimensions of the façade's base and cornice.
- F. *Windows and Doors.***
The use of window and door openings of size and design typical to the neighborhood is recommended.
- G. *Streetscapes, Orientation and Location.***
New construction should reflect prevailing setbacks, orientation and physical elements, which define Streetscapes.

APPENDIX G

CHECKLIST FOR STREET & ACCESS DRIVE DESIGN

STREET NAME: _____ PROJECT NAME: _____
 STATION NUMBER: _____ DATE: _____ SHEET: _____ / _____

- | | | |
|--|--|---|
| 1. Classification: (circle one)
• Rural
• Urban | 3. Ownership: (circle one)
• Public / Dedicated
• Private | 5. Street Function: (circle one)
• Alley
• Local
• Collector
• Arterial |
| 2. Project Type: (circle one)
• Residential
• Mixed Use
• Commercial / Industrial | 4. Principal Design Vehicle: (circle one)
• Automotive
• Truck | |

6. Attached Design Criteria Matrix Verifies the Following:

- Volume of Average Daily Trips: _____
- Design Speed: _____
- Vertical Attributes:
 - Maximum Slope: _____ %
 - Minimum Slope: _____ %
 - "K" Value for Crest Curves: _____
 - "K" Value for Sag Curves: _____
- Level of Service (LOS) at Intersections:
 - New Intersection: LOS C or better
 - New Intersection with Existing Street: LOS D or better
- Horizontal Attributes: _____
 - Minimum Safe Stopping Sight Distance: _____
 - Minimum Sight Distance at Intersections: _____
 - Minimum Centerline Curve Radius: _____
 - Curb Radii
 - Local - Local: 10'-15'
 - Local - Collector: 15'-20'
 - Collector - Collector: 15'-25'

	One Side/Both Sides		Width		Total Width
○ Thru Lanes: _____		x	_____	=	_____
○ Turn lane: _____		x	_____	=	_____
○ On-Street Parking: _____		x	_____	=	_____
○ Multi-modal Lane: _____		x	_____	=	_____
○ Gutter (Storm Water): _____		x	_____	=	_____
○ Shoulder: _____		x	_____	=	_____
○ Curb: _____		x	_____	=	_____
○ Swale: _____		x	_____	=	_____
○ Sidewalk: _____		x	_____	=	_____
○ Grass / Tree Strip: _____		x	_____	=	_____
○ Boulevard Island: _____		x	_____	=	_____

Total Right-of-Way Width = _____

7. Special Considerations: (traffic signals, Streetscape and lighting requirements, crosswalk treatments, etc.)

8. Agreed by Developer meeting attendee(s): _____

9. Agreed by Municipality meeting attendee(s): _____

Appendix H

Street / Right-of-Way Matrix

	Proposed Street										
	Minor Collector			Major Local			Minor Local			Alley	
Design Speed (mph)	45	40	35	30	35	30	25	20	15	15	15
Travel lane Width (ft)	11	11	11	11	10	10	10	9	9	10	10
One-way (ft)	11	11	11	11	10	10	10	9	9	10	10
Two-way (ft)	22	22	22	22	20	20	20	18	18	10	10
Paved Shoulder (ft)	4	4	4	4	2	2	2	2	2	-	-
Multi-Modal Lane Width (ft)	6	6	4	4	4	4	4	-	-	-	-
Sidewalk Width (4 ft min)											
One side (<2 u/a)											
Two side (>2 u/a)											
Right-of-Way (ft)	50	50	50	50	50	50	50	50	50	20	20

Notes: Arterial and Major Collector Streets within the Township are the Turnpike and State Routes. The design of these roads shall be coordinated with the appropriate agency.

Existing Frontage Streets shall be improved to the requirements of Proposed Streets

On-Street Parking may be added 7 feet wide in R-2 and Churchtown Village Zoning Districts.

Multi-modal lanes are required based on ADT, a history of conflicts, and/or limited passing sight distance that cause unusual delays.

If a Multi-Modal Lane is provided the Paved Shoulder shall be reduced to 2 feet.

Sidewalks are not required in AG - Agriculture, OS/C - Open Space/Conservation or MR - Mineral Recovery Districts