

Chapter 155

SUBDIVISION AND LAND DEVELOPMENT

[HISTORY: Adopted by the Board of Supervisors of the Township of West Earl 8-6-1974 by Ord. No. 28. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission â€” See Ch. 34.
Driveways â€” See Ch. 85.
Mobile homes and mobile home parks â€” See Ch. 118.
Sewers and sewage disposal â€” See Ch. 138.
Stormwater management â€” See Ch. 149.
Streets and sidewalks â€” See Ch. 152.
Water â€” See Ch. 173.
Zoning â€” See Ch. 184.

ARTICLE I

General Provisions

§ 155-1. Title.

The title of this chapter shall be "An Ordinance Establishing Rules, Regulations and Standards Governing the Subdivision of Land and Land Development Within the Township of West Earl, Lancaster County, Pennsylvania, Pursuant to the Authority Set Forth in Article V of the Pennsylvania Municipalities Planning Code, as Amended,¹ and Setting Forth Procedures to be Followed by the Township Planning Commission and the Township Supervisors in Administering and Amending These Rules, Regulations and Standards and Prescribing Penalties for the Violation Thereof."

§ 155-2. Short title.

This chapter shall be known and may be cited as the "West Earl Township Subdivision and Land Development Ordinance of 1974."

§ 155-3. Purpose.

These regulations are adopted to protect, promote and create conditions favorable to the health, safety, morals and general welfare of the citizens by:

- A. Assuring sites suitable for building purposes and human habitation.
- B. Providing for the harmonious development of the township.
- C. Assuring coordination of existing streets and highways with proposed streets, parks or other features of the Official Street Plan of the township.

1. Editor's Note: See 53 P.S. § 10501 et seq.

- D. Providing for adequate open spaces for traffic, recreation, light and air and for proper distribution of the population.
- E. Assuring equitable and just processing of subdivision and land development plans by providing uniform procedures and standards for the observance of both the developer and township officials.

ARTICLE II
Definitions and Word Usage

§ 155-4. Word usage.

- A. Words in the singular include the plural, and those in the plural include the singular; words in the present tense include the future tense; and words used in the masculine gender include the feminine and neuter.
- B. The words "person," "subdivider," "developer" and "owner" include a corporation, unincorporated association and partnership or other legal entity, as well as an individual.
- C. The word "street" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial and road.
- D. The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof."
- E. The word "watercourse" includes channel, creek, ditch, drain, dry run, spring and stream.
- F. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
- G. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions or agencies or officials of the Township of West Earl as in effect or in office from time to time, including amendments thereto or revisions or successors thereof, unless the text indicates that another reference is intended. [Added 12-19-1989 by Ord. No. 80]
- H. Terms or words not defined. Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

§ 155-5. Definitions.

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

AGENT — Any person, other than the developer, who, acting for the developer, submits to the Township Secretary subdivision or land development plans for the purpose of obtaining approval thereof.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an

application for development, including his heirs, successors and assigns.

AUTHORITY — The West Earl Sewer Authority, West Earl Water Authority, Leola Sewer Authority, Leola Water Authority, Ephrata Area Joint Authority, Akron Borough Authority and/or any other municipal authority providing public water or public sewer service to properties within the township, as applicable. [Added 12-19-1989 by Ord. No. 80]

BLOCK — A tract of land, a lot or groups of lots bounded by streets, public parks, railroad rights-of-way, watercourses or boundary lines of the township or by any combination of the above.

BUILDING — Any enclosed or open structure, other than a boundary wall, boundary fence or farm fence, occupying more than four square feet of area and/or having a roof supported by columns, piers or walls, or any addition to an existing nonresidential building occupying more than four square feet; provided, however, that an accessory residential building or structure, including but not limited to a detached or attached garage, utility shed, tennis court or swimming pool, shall not be considered a separate "building" and shall not require the submission of a land development plan. [Added 12-19-1989 by Ord. No. 80]

BUILDING LINE — The line within a property defining the minimum required distance between any structure or building or portion thereof to be erected or altered and an adjacent right-of-way. Such line shall be measured at right angles from the required minimum right-of-way or ultimate right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

BUILDING, PRINCIPAL — A building or group of buildings in which is conducted the principal use of the lot on which the building or buildings are located.

CARTWAY (ROADWAY) — The portion of a street, paved or unpaved, intended for vehicular use.

COUNTY — Lancaster County, Pennsylvania.

DEDICATION — The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEPARTMENT OF ENVIRONMENTAL RESOURCES — The Department of Environmental Resources of the Commonwealth of Pennsylvania or any agency successor thereto. [Added 12-19-1989 by Ord. No. 80]

DEVELOPER — Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT — A subdivision and/or land development.

DRIVEWAY — A private cartway used for direct access from a street to a parking area or garage within a single lot.

DWELLING UNIT — A building or portion thereof providing one or more rooms

arranged for the use of one or more individuals living together as a single housekeeping unit and having no cooking or sanitary facilities in common with any other dwelling unit.

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

ENGINEER — A licensed professional engineer registered in the Commonwealth of Pennsylvania.

LAND DEVELOPMENT [Amended 12-19-1989 by Ord. No. 80] — Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

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 persons having a proprietary interest in land.

LANDSCAPE ARCHITECT — A licensed professional landscape architect registered in the Commonwealth of Pennsylvania.

LOT — A tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. "Lot" shall also mean parcel, plot, site or any similar term.

LOT AREA — The area contained within the property lines of a lot, excluding space within all streets and within all permanent drainage easements but including the areas of all other easements.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and is constructed so that it may be used without a permanent foundation. [Amended 12-19-1989 by Ord. No. 80]

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. [Amended 12-19-1989 by Ord. No. 80]

MOBILE HOME PARK — A parcel, or contiguous parcels, of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes. [Amended 12-19-1989 by Ord. No. 80]

MUNICIPALITIES PLANNING CODE — The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted by Act 170 of 1988, 53 P.S. § 10101 et seq. [Added 12-19-1989 by Ord. No. 80]

NONRESIDENTIAL — Any use other than single-family or multifamily dwellings. An institutional use in which persons may reside, such as a dormitory, prison, nursing home or hospital, shall be considered a "nonresidential" use. [Added 12-19-1989 by Ord. No. 80]

OFFICIAL PLAN — The Comprehensive Development Plan and/or Official Map and/or Topographical Survey and/or other such plans or portions thereof as may have been adopted pursuant to statute for the area of the township in which the development is located.

PLANNING COMMISSION or TOWNSHIP PLANNING COMMISSION — The Planning Commission of West Earl Township.

RECORD PLAN — The copy of the final plan which contains the original endorsements of the Township Planning Commission, Township Supervisors and County Planning Commission and which is intended to be recorded with the County Recorder of Deeds.

REPLACEMENT LOCATION — A location designated as the future location of an on-site sanitary sewage disposal system or community sanitary sewerage system that shall be installed should the on-site sanitary sewage disposal system or community sanitary sewerage system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of the Department of Environmental Resources and all applicable township ordinances for an on-site sanitary sewage disposal system or community sanitary sewerage system, as applicable. [Added 5-26-1992 by Ord. No. 93]

RESUBDIVISION — Any replatting or resubdivision of land, limited to changes in lot lines on the approved final plan or recorded plan as specified in § 155-16 of this chapter.

REVERSE-FRONTAGE LOT — A lot extending between and having frontage on an arterial street and a minor street and with vehicular access solely from the latter.

SANITARY SEWAGE DISPOSAL, ON-SITE — A single system of piping, tanks or other facilities serving only one lot and collecting and disposing of sewage, in whole or in part, into the soil of the same lot.

SANITARY SEWERAGE SYSTEM, COMMUNITY — Any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes, that generally serves a neighborhood area temporarily until such time as hookup to a public sanitary sewerage system can be accomplished.

SANITARY SEWERAGE SYSTEM, PUBLIC — Any system, whether publicly or privately owned, for the collection and disposal of sewage or industrial wastes of a liquid nature, or both, including various devices for the treatment of such sewage or industrial wastes, that serves the general public.

SIGHT DISTANCE — The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point four and fifty-hundredths (4.50) feet above the center line of the road surface to a point five-tenths (0.5) foot above the center line of the road surface.

SOIL LOG — A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by indicating the type of soil existing beneath the natural grade at a given location and depth.

SOIL PERCOLATION TEST — A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

STREET — A strip of land, including the entire right-of-way (not limited to the cartway), intended for use as a means of vehicular and pedestrian circulation, excluding driveways.

- A. **MINOR STREET** — A street used primarily to provide access to abutting properties.
- B. **CUL-DE-SAC STREET** — A minor street intersecting another street at one end and terminating at the other end by a permanent vehicular turnaround.
- C. **HALF (PARTIAL) STREET** — A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.
- D. **MARGINAL ACCESS STREET** — A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip), which provides access to abutting properties and controls intersections with the major street.
- E. **COLLECTOR STREET** — A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route and gives access to community facilities and/or other collector and major streets. (Streets in industrial and commercial subdivisions shall be considered collector streets.)
- F. **MAJOR STREET** — A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.
- G. **SERVICE STREET** — A minor public right-of-way providing secondary vehicular access to the side or rear of two or more properties.

SUBDIVIDER — See "developer."

SUBDIVISION — The division or redivision of a lot, tract or parcel 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 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [Amended 12-19-1989 by Ord. No. 80]

SUPERVISORS or TOWNSHIP SUPERVISORS — The Board of Supervisors of West Earl Township.

SURVEYOR — A licensed surveyor registered in the Commonwealth of Pennsylvania.

TOWNSHIP — West Earl Township, Lancaster County, Pennsylvania.

WATER SUPPLY SYSTEM, COMMUNITY — A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood.

WATER SUPPLY SYSTEM, ON-SITE — A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

WATER SUPPLY SYSTEM, PUBLIC — A system for supplying and distributing water from a common source to dwellings and other buildings but generally not confined to one neighborhood.

ARTICLE III

Submission and Review Procedures

§ 155-6. General requirements. [Amended 12-19-1989 by Ord. No. 80]

All plans for subdivisions or land developments within the Township of West Earl, except as specifically exempted herein, shall be submitted for the review of the Township Planning Commission and such other township, county and state agencies as may be required and shall be approved or disapproved by the Township Supervisors. No subdivision or land development plan may be recorded in the office of the Recorder of Deeds in and for Lancaster County unless approval has been granted in accordance with the requirements herein. Notwithstanding the foregoing, the developer of the following land developments shall not be required to apply for or obtain land development approval:

- A. The erection of an accessory residential building or structure on an existing lot containing a residential dwelling or in conjunction with the erection of a residential dwelling.
- B. The conversion of an existing single-family detached or single-family semidetached dwelling into not more than three residential dwelling units.
- C. The erection of an accessory building for agricultural purposes on an existing farm. A farm dwelling shall not be considered an accessory building. This exemption shall not apply if the West Earl Township Zoning Hearing Board, as a condition on the grant of a variance or special exception, requires an applicant to obtain land development approval.

§ 155-7. Submission of sketch plan.

- A. Plan to be filed with the Township Planning Commission. Developers are urged to submit a sketch plan for any proposed development to the Township Planning Commission for review and discussion prior to the submission of the preliminary plans. Sketch plans shall comply with the requirements of Article IV, § 155-19, of this chapter.
- B. Number of copies. Two legible black-line or blue-line paper prints of the sketch plan should be submitted to the Township Planning Commission.

§ 155-8. Review of sketch plan.

- A. A sketch plan shall be considered as a submission for informal discussion and will be considered as confidential between the developer and the Township Planning Commission.
- B. Review by the Township Planning Commission. The Township Planning Commission shall file one copy of the sketch plan with its comments attached. The other copy of the sketch plan shall be returned to the developer for his use.

§ 155-9. Official submission of preliminary plan.

- A. Plan to be filed with township. Copies of the preliminary plan and all required supporting data shall be officially submitted to the Township Secretary by the developer or his agent at least seven calendar days in advance of the regular scheduled meeting of the Township Planning Commission.
- B. Submission of plan.
 - (1) The official submission of a preliminary plan shall comprise:
 - (a) Three completed copies of the application for approval of a preliminary plan.
 - (b) Five legible black-line or blue-line paper prints of the preliminary plan which shall fully comply with the requirements of Article IV, § 155-20, of this chapter.
 - (c) Three completed copies of the subdivision and land development site survey and sewage disposal report of the West Earl Township Planning Commission whenever soil percolation tests are required.
 - (d) Three copies of all other required information.
 - (2) A preliminary plan application shall be accompanied by all required plans and documents set forth in Subsection B(1)(a) through (d) above and the required filing fee. The Township Secretary shall have seven 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 of the information required by this chapter. If defective, the application may be returned to the

applicant with a statement that the application is incomplete within the seven-day period; otherwise, the application shall be deemed accepted for filing as of the date of submission. Acceptance shall not, however, constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision by the Township Secretary under this section to the Township Supervisors in accordance with § 155-39 of this chapter. [Added 12-19-1989 by Ord. No. 80]

- C. Filing fee. The applicant shall pay to the Township Secretary the filing fee as established by the Township Supervisors by ordinance or resolution. The applicant shall also reimburse the township for review fees incurred by the township's consultants in accordance with the fee schedule established by ordinance or resolution of the Township Supervisors.² [Amended 5-26-1992 by Ord. No. 93]
- D. Distribution of preliminary plan by the township. After all required fees have been collected and the plan has been officially accepted, the Township Secretary shall refer the preliminary plan to the following:
 - (1) One copy to the Township Planning Commission, including one copy of the application form and other required reports.
 - (2) Two copies to the Township Supervisors, including one copy of the application form and other required reports.
 - (3) One copy to the Township Engineer, including copy of all required supporting documents.
 - (4) One copy to the Township Zoning Officer.
- E. Supplemental distribution of preliminary plan by applicant.
 - (1) The applicant shall also submit the preliminary plan to the following agencies:
 - (a) Copies to the Lancaster County Planning Commission in compliance with the Lancaster County Subdivision and Land Development Ordinance, as amended.
 - (b) Two copies to the District Officer of the Pennsylvania Department of Transportation when the proposed development abuts or is traversed by a state road.
 - (2) Plans indicating public water service and/or public sewer service shall be submitted to the applicable municipal authority providing such public water service and/or public sewer service. [Added 12-19-1989 by Ord. No. 80]

§ 155-10. Review of preliminary plan.

- A. Review by the Township Engineer. The Township Engineer shall review the preliminary plan to determine its conformance with this chapter. The Township Engineer may recommend changes, alterations or modifications as he may deem

2. Editor's Note: See Ch. A190, Fees.

necessary. The report of the Township Engineer shall be in writing and shall be submitted to the Township Planning Commission prior to the regularly scheduled or special meeting at which the preliminary plan is to be considered by the Township Planning Commission. The report shall include an estimate of the cost of construction of all improvements as required by this chapter.

- B. Review by the Township Zoning Officer. The Township Zoning Officer shall review the preliminary plan to determine its conformance with Chapter 184, Zoning. The Zoning Officer shall check all zoning data as required to be shown under Article IV, § 155-20, of this chapter to determine if information shown is in accordance with the latest amendments to Chapter 184, Zoning. The report from the Township Zoning Officer as to the accuracy of the information shown shall be submitted to the Township Planning Commission prior to the regularly scheduled or special meeting at which the preliminary plan is to be considered by the Planning Commission.
- C. Review by the Township Planning Commission.
 - (1) When a preliminary plan has been officially accepted for submittal, such plan shall be reviewed by the Township Planning Commission at a regularly scheduled meeting or, at the discretion of the Planning Commission, at a special meeting.
 - (2) No official action shall be taken by the Township Planning Commission with respect to a preliminary plan until the township has received the written report of the County Planning Commission. If the County Planning Commission report has not been received within 30 days from the date said preliminary plan was submitted to the county, then the Township Planning Commission may officially act without having received and considered such report.
 - (3) During review of the preliminary plan, the Township Planning Commission shall consider the written reports of the Township Engineer and the Township Zoning Officer before making its final decision.
 - (4) If review by the Township Planning Commission is favorable or unfavorable because the requirements of this chapter have not been met or the Township Planning Commission deems changes or modifications of the plan submitted are advisable or necessary, such decision and the reasons therefor shall be given in written form by the Secretary of the Township Planning Commission to the Township Supervisors. In addition, the Township Planning Commission shall forward to the Township Supervisors copies of all reports received from the Township Zoning Officer and the Township Engineer.
 - (5) The Township Planning Commission shall submit its report to the Township Supervisors at least seven days before the next regular meeting of the Supervisors or, at the discretion of the Township Supervisors, the next special meeting. Said submission shall give the Township Supervisors sufficient time to officially act on the preliminary plan and to notify the applicant of such action.

D. Review by the Township Supervisors.

- (1) When a preliminary plan has been officially referred to the Township Supervisors by the Township Planning Commission, together with its recommendation, such plan shall be reviewed at a regularly scheduled meeting of the Supervisors or, at the discretion of the Township Supervisors, at a special meeting.
- (2) The Township Supervisors shall render their decision and communicate it to the applicant in accordance with the time limits set forth in Article V of the Municipalities Planning Code.³ [Amended 12-19-1989 by Ord. No. 80]
- (3) The Township Supervisors shall review the preliminary plan and the written reports and recommendations thereon of the Township Planning Commission, the County Planning Commission, the Township Engineer and any other official boards of the township to determine the preliminary plan conformance with the standards contained in this chapter. The Township Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.
- (4) Notice; approval or disapproval. [Amended 12-19-1989 by Ord. No. 80]
 - (a) Within 15 days after the meeting at which the preliminary plan is reviewed by the Board of Supervisors, the Township Secretary shall send written notice of the township's action to the following individuals:
 - [1] The applicant.
 - [2] The Township Planning Commission Secretary.
 - [3] The County Planning Commission.
 - (b) The Township Supervisors may approve the preliminary plan, in whole or in part, may approve the preliminary plan subject to conditions or may disapprove the preliminary plan.
 - (c) If the preliminary plan is approved subject to conditions, the applicant shall, either personally at a public meeting or in writing, approve or reject such conditions within five days of, either personally or in writing, receiving written notice of such conditions. For purposes of this subsection, notice to a person presenting the plan on behalf of the applicant, whether such person is the applicant himself, a relative of the applicant, an officer of the applicant, an attorney, a surveyor, an engineer or otherwise, shall be notice to the applicant, and such person presenting the plan on behalf of the applicant shall be deemed to have authority to, on behalf of the applicant, accept or reject such conditions. The failure to accept or reject such conditions within the five-day period shall be considered to be a rejection of the same, and conditional

3. Editor's Note: See 53 P.S. § 10501 et seq.

approval by the Township Supervisors shall be automatically revoked. The applicant shall be notified, in writing, within 10 days following the expiration of the five-day period of the plan rejection; provided, however, that failure to notify the applicant of such plan rejection shall not constitute a deemed approval.

- (d) If the application is disapproved, the township shall notify the applicant, in writing, of the defects in the application and shall identify requirements which have not been met, through citing the provisions of the statute or ordinance relied upon.
- (5) Approval of a preliminary plan shall not constitute acceptance of the subdivision or land development for recording. Approval is only an expression of approval of a general plan to be used in preparing the final plan for final approval and recording upon fulfillment of all requirements of this chapter.
- (6) When a preliminary plan has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within three years from such approval.

§ 155-11. Submission of final plan.

- A. Within 12 months of the Township Supervisors' approval of the preliminary plan, a final plan shall be officially submitted to the township. However, an extension of time may be granted by the Township Supervisors upon written request. A final plan submitted after this expiration of time for which no time extension has been granted may be considered as a new preliminary plan.
- B. The final plan shall conform in all important respects to the preliminary plan as previously approved by the Township Supervisors and shall incorporate all modifications required by the township in its approval of the preliminary plan.
- C. The township may permit submission of the final plan in sections, each covering a reasonable portion of the entire proposed development as shown on the approved preliminary plan.
- D. Plan to be filed with township. Copies of the final plan and all required supporting data shall be officially submitted to the Township Secretary by the developer or his agent at least seven calendar days in advance of the regular scheduled meeting of the Township Planning Commission.
- E. Submission of plan.
 - (1) The official submission of a final plan shall comprise:
 - (a) Three complete copies of the application for approval of a final plan.

- (b) Five legible black-line or blue-line paper prints and two prints on linen cloth or stable-plastic-base film reproductions of the final plan which shall fully comply with Article IV, § 155-21, of this chapter.
 - (c) Three copies of all other required information when applicable.
- (2) A final plan application shall be accompanied by all required plans and documents set forth in Subsection E(1)(a) through (c) above and the required filing fee. The Township Secretary shall have seven 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 of the information required by this chapter. If defective, the application may be returned to the applicant with a statement that the application is incomplete within the seven-day period; otherwise, the application shall be deemed accepted for filing as of the date of submission. Acceptance shall not, however, constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision by the Township Secretary under this section to the Township Supervisors in accordance with § 155-39 of this chapter. [Added 12-19-1989 by Ord. No. 80]
- F. Filing fee. The applicant shall pay to the Township Secretary the filing fee as established by the Township Supervisors by ordinance or resolution. The applicant shall also reimburse the township for review fees incurred by the township's consultants in accordance with the fee schedule established by ordinance or resolution of the Township Supervisors. The developer shall reimburse the township for all fees imposed by township consultants in the inspection of improvements installed in connection with an approved final plan in accordance with the fee schedule adopted by ordinance or resolution of the Township Supervisors.⁴ [Amended 5-26-1992 by Ord. No. 93]
- G. Distribution of final plan by the township. The final plan shall be distributed in accordance with the requirements of Article III, § 155-9D, of this chapter for the preliminary plan. In addition, the Secretary shall forward the two linen prints or stable-plastic-base film reproductions of the final plan to the Township Planning Commission.
- H. Supplemental distribution of final plan by applicant. The applicant shall also submit copies of the final plan to the Lancaster County Planning Commission in compliance with the Lancaster County Subdivision and Land Development Ordinance, as amended.

§ 155-12. Review of final plan.

- A. Review by the Township Engineer. The final plan shall be reviewed and a written report submitted as required under Article III, § 155-10A, of this chapter for preliminary plans.
- B. Review by the Township Zoning Officer. The final plan shall be reviewed and a

4. Editor's Note: See Ch. A190, Fees.

written report submitted as required under Article III, § 155-10B, of this chapter for preliminary plans.

- C. Review by the Township Planning Commission. The final plan shall be reviewed in accordance with the procedure required under Article III, § 155-10C, of this chapter for preliminary plans, and in addition:
 - (1) If all the requirements of this chapter are met and the review is favorable, the Planning Commission shall authorize its Chairman, with the Secretary so attesting, to endorse the linen prints or stable-plastic-base film reproductions "Approved by the West Earl Township Planning Commission," together with the date of such action, on the copies which are intended to be recorded.
 - (2) At the discretion of the Township Planning Commission, the Township Engineer may be requested to endorse the linen prints or stable-plastic-base film reproductions "Approved by the Township Engineer," together with the date of such action, on the copies which are intended to be recorded.
 - (3) The linen print or stable-plastic-base film reproductions with the Township Planning Commission's endorsement and the Township Engineer's endorsement, when applicable, shall be forwarded to the Township Supervisors.

- D. Review by the Township Supervisors. The final plan shall be reviewed in accordance with the procedures as required under Article III, § 155-10D, of this chapter for the preliminary plan, in addition to the following:
 - (1) Before acting on a final plan, the Supervisors may hold a public hearing on any development, giving such notice as defined by law. If a public hearing has been held upon a preliminary plan, no public hearing is required unless the final plan departs substantially from the preliminary plan.
 - (2) If the Township Supervisors approve the final plan, the linen prints or stable-plastic-base film reproductions shall be signed by the Chairman and the Secretary, together with the date of action.
 - (3) A performance guaranty or a certificate of satisfactory installation, as required under Article III, § 155-14, of this chapter, shall be required before the final plan is released for recording.
 - (4) The two linen prints or stable-plastic-base film reproductions of the final plan, with the Township Supervisors' approval and the Township Seal, shall be forwarded to the applicant.

§ 155-13. Recording of final plan.

- A. After approval by the Township Supervisors and the Township Planning Commission and with all endorsements on the two linen prints or stable-plastic-base film reproductions of the final plan, the applicant shall obtain the endorsement of the County Planning Commission indicating the review of the final plan by said agency.

- B. After the County Planning Commission has endorsed the linen prints or stable-plastic-base film reproductions of the final plan, the applicant shall take his plans to the County Recorder of Deeds.
- C. When the linen prints or stable-plastic-base film reproductions of the final plan are fully endorsed as required by this chapter, said plans shall be known as the "record plan."
- D. The applicant shall file the record plan with the Lancaster County Recorder of Deeds within 90 days of the date of final approval by the Township Supervisors. The Recorder's certificate that the record plan has been recorded with the deed book and page numbers indicated shall be submitted to the township.
- E. If the applicant fails to record the record plan within 90 days of the date of final approval by the Township Supervisors, the action of said Supervisors shall be null and void unless an extension of time is granted, in writing, by the Township Supervisors after a written request to do so by the applicant.
- F. After the final plan has been recorded with the Lancaster County Recorder of Deeds, the township and the County Planning Commission may require one reproducible copy of the record plan for their permanent files.

§ 155-14. Performance guaranties. [Amended 12-19-1989 by Ord. No. 80]

- A. No project shall be considered in compliance with this chapter until the streets, street signs, sidewalks and curbs within street rights-of-way, buffer planting, storm drainage facilities for dedication or which affect adjacent properties and/or streets, sanitary sewer facilities for dedication (exclusive of laterals), water supply facilities (exclusive of laterals), fire hydrants, lot line markers and survey monuments have been installed in accordance with this chapter. No final plan shall be signed by the township for recording in the office of the Recorder of Deeds in and for Lancaster County unless all improvements required by this chapter have been installed or a performance guaranty in accordance with Subsection B of this section is accepted by the township or the Authority, as applicable. The administration of performance guaranties shall comply with the provisions of this Article and other applicable laws of the commonwealth.
- B. All guaranties shall be prepared by the developer in the form required by the township or by the Authority and acceptable to the Solicitor of the township or the Authority, as applicable. The amount of the guaranty shall be calculated in accordance with Article V of the Municipalities Planning Code.⁵ The guaranty shall assure completion of all improvements within a time period as may be determined by the township. The following are acceptable forms of guaranties, and all other forms of guaranties shall be individually approved by the township or Authority:
 - (1) Surety performance bond: a security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond

5. Editor's Note: See 53 P.S. § 10501 et seq.

shall be payable to the township and/or the Authority, as applicable.

- (2) Escrow account: a deposit of cash either with the township and/or the Authority, as applicable, or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the township or the Authority. In the case of an escrow account, the developer shall file with the township or the Authority an agreement between the financial institution and himself guaranteeing the following:
 - (a) That funds of said escrow account shall be held in trust until released by the township or the Authority and may not be used or pledged by the developer as security in any other matter during that period.
 - (b) In the case of a failure on the part of the developer to complete said improvements, that the institution shall immediately make the funds in said account available to the township or the Authority for use in the completion of those improvements.
 - (3) Letter of credit: a letter of credit provided by the developer from a financial institution or other reputable institution subject to the approval of the township or the Authority, as applicable. This letter shall be deposited with the township or the Authority and shall certify the following:
 - (a) That the creditor does guarantee funds in an amount equal to the cost of completing all required improvements.
 - (b) In case of failure on the part of the developer to complete the specified improvements within the required time period, that the creditor shall pay to the township or the Authority immediately and without further action such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
 - (c) That the letter of credit may not be withdrawn or reduced in amount until released by the township or the Authority.
- C. Inspection during construction. The township and/or the Authority shall inspect the improvements during construction. The developer shall pay the costs of such inspection in accordance with the provisions of Article V of the Pennsylvania Municipalities Planning Code.⁶ The developer shall provide at least 48 hours' notice prior to the start of construction of any improvements.
- D. The developer may request the Board of Supervisors to release or authorize the release, from time to time, of such portions of the performance guaranty necessary for payment to the contractor or contractors performing the work. Such requests shall be in writing addressed to the Township Supervisors, and the Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved

⁶. Editor's Note: See 53 P.S. § 10501 et seq.

plan. Upon such certification, the Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer as fairly representing the value of the improvements completed. If the Township Supervisors fail to act within the forty-five-day period, the Township Supervisors shall be deemed to have approved the release of funds as requested. The Township Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require the retention of 10% of the estimated cost of the completed improvements.

§ 155-15. Release of performance guaranty.

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Township Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township Supervisors shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall thereupon file a report, in writing, with the Supervisors and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made within 30 days after receipt by the Township Engineer of the aforesaid authorization from the Township Supervisors. 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 Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- B. The Township Supervisors shall notify the developer within 15 days of receipt of the Township Engineer's report, in writing, by certified or registered mail, of the action of the Township Supervisors with relation thereto. [Amended 12-19-1989 by Ord. No. 80]
- C. If the Township Supervisors or the Township 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 his performance guaranty.
- D. If any portion of said improvements shall not be approved or shall be rejected by the Township Supervisors, the developer shall proceed to complete the same, and upon completion, the same procedure of notification as outlined herein shall be followed.

§ 155-16. Resubdivision procedure.

Any revision or resubdivision of land which includes changes to a recorded plan shall be considered a subdivision and shall comply with all regulations of this chapter, except that:

- A. Lot lines may be changed from those shown on a recorded plan, provided that, in making such changes:

- (1) No lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by Chapter 184, Zoning.
- (2) Easements or rights-of-way reserved for drainage shall not be changed.
- (3) Street locations and block sizes shall not be changed.
- (4) No lot shall be created which does not abut an existing or a proposed street.
- (5) Land being conveyed, sold or transferred to an adjoining lot for the purpose of increasing the lot size shall become a part of the whole of such lot and shall not be later subdivided from the lot.

B. In every case wherein lot lines are changed as permitted by the above, the subdivider shall prepare a new record plan and shall submit the record plan to the township for the endorsements of the Township Planning Commission and Township Supervisors (Township Supervisors shall specifically identify the previous record plan superseded) and to the County Planning Commission for that agency's endorsement. The subdivider shall then record the new plan in accordance with Article III, § 155-13, of this chapter.

§ 155-17. Dedication and maintenance guaranties. [Amended 12-19-1989 by Ord. No. 80; 5-26-1992 by Ord. No. 93]

All improvements shall be deemed to be private improvements and only for the benefit of the specific subdivision or land development until such time as the same have been offered for dedication and formally accepted by the township or the Authority by ordinance, resolution, deed or other formal action or document. The developer shall submit as-built plans of all improvements which will be dedicated to the township or the Authority. Neither the township nor the Authority shall have any responsibility of any kind with respect to improvements shown on the final plan until the improvements have been formally accepted by the township or the Authority. Where the township or the Authority accepts dedication of an improvement, the developer shall post financial security, in a form acceptable to the township or the Authority, to secure the structural integrity of said improvement as well as the functioning of said improvement in accordance with the design and specifications as depicted upon the final plan. The term of such financial security shall be 18 months from the date of acceptance of dedication of the improvement, and the amount of said financial security shall be 15% of the actual cost of installation of such improvement.

§ 155-18. Waivers. [Added 12-19-1989 by Ord. No. 80]

A. Application requirements. All requests for waivers shall be made in accordance with the following procedure:

- (1) All requests for a waiver shall be made in writing and shall be made prior to the filing of an application for development or shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the section or sections of this chapter which are requested to be waived and the

minimum modification necessary. The request shall be accompanied by a plan prepared at least to the minimum standards of a sketch plan (see § 155-19).

- (2) Should a revision to a submitted plan require a waiver which was not apparent at the time of initial plan submission, the request for a waiver shall be submitted in accordance with Subsection A(1) above at the time of submission of the revised plans.
 - (3) Requests for waivers shall be considered by the Township Supervisors at a public meeting which is at least seven days after the submission of the waiver request.
- B. Township action. The Township Supervisors shall review the request to determine if the literal compliance with any mandatory provision of this chapter is demonstrated by the applicant to exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this chapter is observed. The applicant shall demonstrate that an alternative proposal will allow for equal or better results and represents the minimum modification necessary. If the Township Supervisors determine that the applicant has met his burden, they may grant a waiver from the literal compliance with the terms of this chapter.
- C. Notification of township action.
- (1) After the meeting at which the waiver was reviewed by the Township Supervisors, the township shall send notice of the township's action to the following individuals:
 - (a) The applicant.
 - (b) The Township Planning Commission Secretary.
 - (c) The Lancaster County Planning Commission.
 - (2) If the township denies the request, the township shall notify the applicant, in writing, of the reason for denial. If the township grants the request, the final plan shall include a note which identifies the specific waiver as granted, including any conditions attached thereto.

ARTICLE IV Plan Requirements

§ 155-19. Sketch plan.

- A. The sketch plan of a proposed subdivision or land development shall be drawn to a scale of 50 or 100 feet to the inch, except that, if the development contains more than 200 acres, the plan may be drawn to a scale of one inch equals 200 feet.
- B. If the sketch plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- C. The sketch plan shall contain at least the following information but shall not show

precise dimensions:

- (1) The tract boundary.
- (2) The name of the municipality in which the development is located.
- (3) The North point.
- (4) Graphic and written scales.
- (5) The date of the plan.
- (6) The name of the proposed development or other identifying title.
- (7) Significant topographical and physical features.
- (8) The proposed general street layout.
- (9) The proposed general lot layout.
- (10) In the case of a land development plan, the proposed location of all buildings, parking compounds and other planned features.

§ 155-20. Preliminary plan.

- A. The preliminary plan shall be either black and white or blue and white prints. The sheet size shall be no smaller than eighteen by twenty-two (18 x 22) inches and no larger than thirty by forty-two (30 x 42) inches.
- B. The preliminary plan shall be at a scale of 50 or 100 feet to the inch, except that, for semidetached, attached or multistoried structures, the plan may be drawn at a scale of 20 feet to the inch.
- C. The preliminary plan shall show the following information:
 - (1) The name of the proposed development or other identifying title.
 - (2) The name of the municipality in which the development is located.
 - (3) The name and address of the recorded landowner and the developer (if not the owner) of the tract.
 - (4) The source(s) of the landowner's title to the land being developed, as shown by the records of the Lancaster County Recorder of Deeds.
 - (5) The name, address, license number and seal of the registered engineer, surveyor or landscape architect responsible for the plan.
 - (6) The date of the plan, North point and graphic and written scales.
 - (7) A key map, for the purpose of locating the property being developed, drawn at a scale not less than one inch equals 2,000 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, municipal boundaries, zoning districts and watercourses existing within 1,000 feet of any part of the property.

- (8) Total tract boundaries of the property being developed showing bearings and distances.
- (9) The names of all owners of all abutting unplatted land and the names of all abutting developments, if any, with the book and page number where recorded.
- (10) A list of site data, including the minimum lot size or average area per dwelling unit, total number of lots or dwelling units, total acreage of the whole development, density in units per acre or lots per acre and proposed use of the land.
- (11) A list of zoning data, including, where applicable, existing township zoning regulations, including district designations, requirements for lot sizes and yards and any zoning district boundary lines traversing the property; any changes in the existing zoning to be requested by the developer; and any township regulations other than zoning governing lot size and/or yard requirements.
- (12) Contour lines at vertical intervals of not more than two feet for land with an average natural slope of 4% or less and at vertical intervals of five feet for more steeply sloping land.
- (13) The locations and elevation of the datum to which contour elevations refer; where reasonably practicable, the datum used shall be a known and established benchmark. It is suggested that United States Coast and Geodetic Survey datum be used where possible.
- (14) All existing buildings or other structures and the approximate location of all existing tree masses, rock outcrops and other significant features within the development.
- (15) All existing sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads, quarries, strip mines, watercourses, floodplain areas and other significant features within the proposed development and within 50 feet from the boundaries of the proposed development.
- (16) All existing rights-of-way, easements and streets, including streets of record (recorded but not constructed), street names, right-of-way widths, cartway widths and approximate street grades within the development or within 150 feet of any part of the tract.
- (17) The full plan of the proposed development, including:
 - (a) The location and width of all streets, easements and rights-of-way, with a statement of any conditions governing their use.
 - (b) Suggested street names and utility easement locations.
 - (c) Building setback lines along each street.
 - (d) Lot lines and approximate dimensions of lots.

- (e) Lot numbers and block numbers in consecutive order.
 - (f) A statement of the intended use of all nonresidential lots and parcels.
 - (g) Sanitary sewer facilities, with the size and material of each indicated, and any proposed connections with existing facilities.
 - (h) Storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
 - (i) Water mains and fire hydrants, with the size and material of each indicated, and any proposed connections with existing facilities.
 - (j) Parks, playgrounds and all areas and streets designed for appurtenant facilities or public use or proposed to be dedicated or reserved for future public use, together with the conditions of such dedications or reservations.
 - (k) Building locations and parking compounds within land developments.
- D. The preliminary plan shall be accompanied by the following supplementary data when applicable:
- (1) A completed application for approval of a preliminary plan as shown in the Appendix.⁷
 - (2) Typical street cross-section drawings for all proposed streets. Cross-section drawings may be shown on either the preliminary plan or on separate profile sheets.
 - (3) Tentative profiles along the street center line or along the top of the curb for both sides of each proposed street. Such profiles shall show existing grades along with proposed grades and vertical curves at one of the following sets of scales:
 - (a) One inch equals 20 feet horizontal, and one inch equals five feet vertical.
 - (b) One inch equals 50 feet horizontal, and one inch equals 10 feet vertical.
 - (4) Where required by Chapter 149, Stormwater Management, a plan for the surface drainage of the tract prepared in accordance with the requirements of Chapter 149, Stormwater Management. All supporting data and calculations required by Chapter 149, Stormwater Management, shall also be provided. [Amended 12-19-1989 by Ord. No. 80]
 - (5) Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Department of Transportation. Calculations for waterway openings shall be included. All designs shall be subject to approval by the township. [Amended 12-19-1989 by

⁷. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

Ord. No. 80]

- (6) A sketch plan of the remaining lands of the developer, including the prospective future street system. The street system of the preliminary plan will be considered in the light of adjustments and connections with the future streets as shown in the sketch plan of the remaining lands. To prevent undue hardship in the case of extremely large properties, the Township Planning Commission may, based on existing natural or man-made features, delimit the area for which a prospective street system may be sketched.
- (7) A plan for erosion and sediment control as required by Title 25, Chapter 102, Section 102.41, of the Pennsylvania Code may be shown on the preliminary plan or submitted as a separate sheet.
- (8) A completed planning module for land development with all components and plans required by the applicable regulations of the Pennsylvania Department of Environmental Resources as codified at Title 25, Chapters 71 through 73, of the Pennsylvania Code. [Amended 5-26-1992 by Ord. No. 93]
- (9) A letter from the postmaster of the area in which the development is located stating that the proposed street names are acceptable.
- (10) A completed subdivision and land development site survey and sewage disposal report of the West Earl Township Planning Commission when on-lot sewage is required.
- (11) Where the plan indicates that water will be supplied through a means other than private wells owned and maintained by the individual owners of lots, a copy of a certificate of public convenience or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, from the entity which will provide the public water supply. [Added 12-19-1989 by Ord. No. 80]

§ 155-21. Final plan.

- A. The final plan shall be made of the material described in § 155-11E(2). The sheet size shall be no smaller than eighteen by twenty-two (18 x 22) inches and no larger than thirty by forty-two (30 x 42) inches.
- B. The final plan shall be at a scale of 50 or 100 feet to the inch, except that, for semidetached, attached or multistoried structures, the plan may be drawn at a scale of 20 feet to the inch. If the final plan is drawn in two or more sections, a key map showing the location of the several sections shall be placed on each sheet.
- C. The final plan shall show the following information:
 - (1) The name of the proposed development or other identifying title.
 - (2) The name of the municipality in which the development is located.
 - (3) The name and address of the recorded landowner and the developer (if not the landowner of record) of the tract.

- (4) The source(s) of the landowner's title to the land being developed as shown by the records of the Lancaster County Recorder of Deeds.
- (5) The name, address, license number and seal of the registered engineer, surveyor or landscape architect responsible for the plan.
- (6) The date of the plan, North point and graphic and written scale.
- (7) A key map, for the purpose of locating the property being developed, drawn at a scale not less than one inch equals 2,000 feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, municipal boundaries, zoning districts and watercourses existing within 1,000 feet of any part of the property.
- (8) Total tract boundaries which shall conform to the following criteria:
 - (a) Boundary lines shall have accurate distances to hundredths of a foot and bearings to one-fourth (1/4) of a minute.
 - (b) Boundary lines shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one foot in 10,000 feet.
 - (c) Boundary lines adjoining additional unplotted land of the developer (for example, between separately submitted final plan sections) are not required to be based upon field survey and may be calculated.
- (9) The names of all owners of all abutting unplatted land and the names of all abutting developments, if any, with the book and page number where recorded.
- (10) A list of site data, including the minimum lot size or average area per dwelling unit, total number of lots or dwelling units, total acreage of the whole development, density in units per acre or lots per acre and proposed use of the land.
- (11) A list of zoning data, including, where applicable, existing township zoning regulations, including district designations, requirements for lot sizes and yards and any zoning district boundary lines traversing the property; any changes in the existing zoning to be requested by the developer; and any township regulations other than zoning governing lot size and/or yard requirements.
- (12) All existing buildings or other structures and the approximate location of all existing tree masses, rock outcrops and other significant features within the development.
- (13) All existing sewer lines, waterlines, fire hydrants, utility transmission lines, culverts, bridges, railroads, quarries, strip mines, watercourses, floodplain areas and other significant features within the proposed development and within 50 feet from the boundaries of the proposed development.

- (14) All existing rights-of-way, easements and streets, including streets of record, street names or route numbers, right-of-way widths and cartway widths within the development or within 150 feet of any part of the tract.
- (15) The following data, which shall be shown for the center line, right-of-way and ultimate right-of-way (when applicable) for all existing, recorded (except those to be vacated) and proposed streets within or abutting the property to be developed:
 - (a) The distance (in feet to the nearest hundredth of a foot) and bearing of all straight lines.
 - (b) The arc length, radius, tangent and chord (with distances in feet to the nearest hundredth of a foot) and the central angle (in degrees, minutes and seconds.)
 - (c) Widths of street lines (in feet to the nearest hundredth of a foot.)
- (16) Street names and/or route numbers.
- (17) All straight lot lines with bearings and distances (in feet to the nearest hundredth of a foot). Curved lot lines shall be shown with the length of the arc, radius and tangent, the bearing and distance of the chord and the central angle in degrees, minutes and seconds.
- (18) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the development and, if covenants are recorded, including the book and page number.
- (19) The proposed building setback line for each lot or the proposed placement of each building and also clear sight triangles at all street intersections.
- (20) The location and material of all permanent monuments and lot markers.
- (21) All easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall be either shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.
- (22) Block and lot numbers in consecutive order.
- (23) Parks, playgrounds and all areas and streets designed for appurtenant facilities or public use or proposed to be dedicated or reserved for future public use, together with the conditions of such dedications or reservations.
- (24) Building locations and parking compounds within land developments.
- (25) If the development proposes a new street intersection with a state legislative route, the occupancy permit number(s) for all intersections or vehicular accessways connecting with the state legislative route.

- (26) Typical street cross sections for each proposed street shown on the final plan.
- D. The final plan shall contain the following certificates and spaces on each sheet that is to be recorded (see Appendix⁸ for correct forms):
- (1) Certification, with a seal, by a registered professional engineer or registered surveyor to the effect that the survey and plan are correct.
 - (2) An ownership certificate which shall be a statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner of the property, to the effect that the development shown on the final plan is the act and deed of the landowner, that he is the owner of the property shown on the survey and plan and that he desires the same to be recorded as such.
 - (3) An offer of dedication of any proposed public streets and improvements and other public property.
 - (4) Certificates of approval of the plan by the Township Engineer (when applicable), the Township Planning Commission and the Township Supervisors.
 - (5) A certificate of review of the plan by the Lancaster County Planning Commission.
 - (6) A blank space measuring one and three-fourths by four and one-fourth ($1\frac{3}{4} \times 4\frac{1}{4}$) inches, which shall be left along the lower edge of the sheet in order that the Recorder of Deeds may acknowledge receipt of the plan when it is presented.
- E. The final plan shall be accompanied by the following supplementary data when applicable:
- (1) A completed application for approval of a final plan as shown in the Appendix.⁹
 - (2) Final profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
 - (a) Existing (natural) profiles along both cartway edges or along the center line of each street.
 - (b) The proposed finished grade of the center line, proposed finished grade at the top of both curbs or proposed finished grade at both cartway edges.
 - (c) The length of all vertical curves.
 - (d) The location and elevation of all points of vertical inflection (PVI).

8. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

9. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

- (3) A plan showing the location, size and invert elevations of existing and proposed sanitary sewer mains and manholes, storm sewer mains, manholes, inlets and culverts and existing or proposed water mains and fire hydrants (this data may be shown on the final plan) and also center-line profiles of all proposed sanitary sewer mains and manholes and storm sewer mains, manholes, inlets and culverts.
- (4) When required, a copy of the approved erosion- and sediment-control plan and/or permits.
- (5) When required, a letter from the Pennsylvania Department of Environmental Resources approving the plan revision module for land development.
- (6) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency.
- (7) Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land being developed.
- (8) For proposed streets not to be dedicated to public use, a copy of an agreement between the developer and the township, to be approved by the Township Solicitor, establishing the following:
 - (a) That the street shall conform to township specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conformance with the township specifications.
 - (b) That an offer to dedicate the street shall be made only for the street as a whole.
 - (c) That the method of assessing repair costs be stipulated.
 - (d) That agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
- (9) Where lot sizes or the number of dwelling units are based on public water and/or public sewer facilities, assurance from the local public water and/or sewer authority that such facilities are available.
- (10) When applicable, a certificate of approval for a sanitary sewage disposal system and/or a water supply system from the Pennsylvania Department of Environmental Resources.¹⁰
- (11) A grading plan, in the case of land development, showing existing grades and proposed finished grades on the site.

10. Editor's Note: Original Subsection k, which immediately followed this subsection and dealt with obtaining an occupancy permit from the Pennsylvania Department of Transportation, was deleted 5-26-1992 by Ord. No. 93.

- (12) An executed agreement setting forth the improvements to be completed by the developer in a form acceptable to the Township Solicitor. [Amended 12-19-1989 by Ord. No. 80]
- (13) 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: [Amended 12-19-1989 by Ord. No. 80]

"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 Planning Commission's approval of this plan in no way implies that such permit can be acquired."

- (14) An executed declaration of easements and stormwater management agreement, in a form acceptable to the Township Solicitor, setting forth rights to and maintenance responsibility concerning the stormwater management facilities. [Added 12-19-1989 by Ord. No. 80]
- (15) For all stormwater management facilities that affect an existing watercourse or have an upland drainage area greater than one-half (1/2) square mile, notification from the Department of Environmental Resources of approval or that no approval is required. [Added 12-19-1989 by Ord. No. 80]
- (16) Any other certificates of approval by the proper authorities as deemed necessary for a final approval by the Township Supervisors. [Added 12-19-1989 by Ord. No. 80]

ARTICLE V Design Standards

§ 155-22. Applicability; general standards.

- A. The standards and requirements contained in Articles V and VI of this chapter are intended as the minimum for the promotion of the public health, safety and general welfare and shall be applied as such by the Township Planning Commission and Township Supervisors in reviewing all subdivision and land development plans.
- B. Whenever other township regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed; otherwise, the standards and requirements of this chapter shall apply.
- C. The standards and requirements of this chapter may be modified by the Township Supervisors in the case of complete communities, neighborhood units or other large-scale developments which, in the judgment of the Township Supervisors, achieve substantially the objectives of this chapter and which are further protected by such covenants or other legal provisions as will assure conformity with and achievement of the subdivision or land development plan.
- D. Land subject to hazards to life, health or property, such as may arise from fire,

floods, disease or other causes, shall not be developed for building purposes unless such hazards have been eliminated or unless the subdivision or land development plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.

- E. Subdivision or land development plans shall give due recognition to the Official Plans of the township and of the county or to such parts thereof as may have been adopted pursuant to statute.
- F. All plans shall be designed in compliance with Chapter 184, Zoning, and all other applicable township ordinances and regulations. Whenever Chapter 184, Zoning, provides that the use proposed by the application for subdivision or land development shall constitute a use by special exception or conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or the Township Supervisors, as applicable, prior to submission of the preliminary plan. The plans shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception or conditional use by the Zoning Hearing Board or Township Supervisors, as applicable. Whenever the plan indicates that a variance from requirements of Chapter 184, Zoning, shall be required, the applicant shall obtain such variance from the Zoning Hearing Board prior to the submission of the preliminary plan. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such variance by the Zoning Hearing Board. [Added 5-26-1992 by Ord. No. 93]
- G. No lot shall be created, sold or otherwise transferred except in compliance with the provisions of this chapter and the plans as approved by the Township Supervisors. No land development shall be created or developed except in compliance with the provisions of this chapter and the plans as approved by the Township Supervisors. [Added 5-26-1992 by Ord. No. 93]

§ 155-23. Streets.

- A. General standards.
 - (1) The location and width of all streets shall conform to the Official Plans or to such parts thereof as may have been adopted by the township.
 - (2) The proposed street system shall extend existing or recorded streets at the same width or larger but in no case at less than the required minimum width.
 - (3) Where, in the opinion of the Township Planning Commission, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.
 - (4) New minor streets shall be so designed as to discourage through traffic, but the developer shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.

- (5) Where a development abuts or contains an existing street of improper width or alignment, the Township Planning Commission may require the dedication of land sufficient to widen the street or correct the alignment.
 - (6) Private streets (streets not to be offered for dedication) are prohibited unless they meet the design standards of this chapter.
- B. Partial and half streets. New half or partial streets shall be prohibited except where essential to reasonable development of a tract in conformance with the other requirements and standards of this chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.
- C. Street widths.
- (1) Minimum street right-of-way and pavement widths shall be as shown on the Official Plans or, if not shown on such plans, shall be as follows:

Street Type	Required Width (feet)
Minor street:	
Right-of-way	50
Cartway	34
Collector street:	
Right-of-way	60
Cartway	4
Major street:	
Right-of-way	See Note (a)
Cartway	See Note (a)
Permanent cul-de-sac street:	
Right-of-way	See § 155-23J(5)
Cartway	See § 155-23J(5)
Marginal access street:	
Right-of-way	50
Cartway	34
Service street:	
Right-of-way	33
Cartway	24

NOTES:(a) As specified in the Official Plans or as determined after consulting with the township, the County Planning Commission and the Pennsylvania Department of Transportation.

- (2) Additional right-of-way and pavement widths may be required by the Township Planning Commission or Township Supervisors for the purpose of promoting the public safety and convenience or to provide parking in commercial and industrial areas and in areas of high-density residential development.

D. Restriction of access.

- (1) Whenever a development abuts or contains an existing or proposed street with an ultimate right-of-way of 80 feet or more, the Township Planning Commission may require restriction of access to said street by:
 - (a) Provision of reverse-frontage lots.
 - (b) Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be definitely placed within the jurisdiction of the township under an agreement meeting the approval of the township.
- (2) Except as specified under the subsections above, reserve strips shall be prohibited.

E. Street grades.

- (1) There shall be a minimum center-line grade of three-fourths percent ($3/4\%$).
- (2) Center-line grades shall not exceed the following:
 - (a) Minor street: 10%.
 - (b) Collector street: 6%.
 - (c) Major street: 6%.

F. Horizontal curves.

- (1) Whenever street lines are deflected, connection shall be made by horizontal curves.
- (2) To ensure adequate sight distance, minimum center-line radii for horizontal curves shall be as follows:
 - (a) Minor streets: 250 feet.
 - (b) Collector streets: 450 feet.
 - (c) Major streets: 750 feet.
- (3) A tangent of at least 100 feet shall be introduced between all horizontal curves on collector and major streets.
- (4) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

G. Vertical curves. Vertical curves shall be used in changes of grade exceeding 1%. To provide proper sight distances, the minimum length (in feet) of vertical curves shall be as follows: for collectors, 55 times the algebraic difference in grade and for local streets, 30 times the algebraic difference in grade. For example, if a three-percent upgrade is followed by a four-percent downgrade, the algebraic difference in grade is three plus four equals seven ($3 + 4 = 7$). The minimum length of vertical curves would then be fifty-five times seven equals three hundred eighty-five ($55 \times 7 = 385$) feet for a collector street and thirty times seven equals two hundred ten ($30 \times 7 = 210$) feet for a local street.

H. Intersections.

- (1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than 75° or more than 105° .
- (2) No more than two streets shall intersect at the same point.
- (3) Streets intersecting another street shall either intersect directly opposite each other or shall be separated by at least 150 feet between center lines measured along the center line of the street being intersected.
- (4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed 4% within 75 feet of the intersection of the center lines.
- (5) Intersections with major streets shall be located not less than 600 feet apart measured from center line to center line along the center line of the major street.
- (6) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - (a) Twenty feet for intersections involving only minor streets.
 - (b) Thirty feet for all intersections involving a collector street.
 - (c) Forty feet for all intersections involving a major street.
- (7) Street right-of-way lines shall be concentric with curb arcs at intersections.

I. Sight distances at intersections.

- (1) Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object, other than utility poles, street signs, streetlights or traffic lights, shall be permitted which obscures vision above the height of 30 inches and below 10 feet measured from the center-line grade of intersecting streets. Such triangles shall be established from a distance of 100 feet from the point of intersection of the center lines, except that clear sight triangles of 150 feet shall be provided for all intersections with major streets.
- (2) Wherever a portion of the line of such triangles occurs behind (i.e., from the

street) the building reserve (setback) line, such portion shall be considered a building setback (reserve) line.

- (3) A note on the plan and the deeds for all lots containing clear sight triangles shall set forth the requirements that no structures, grading, landscaping or other action shall be installed or taken which shall obstruct vision within the clear sight triangle. [Added 12-19-1989 by Ord. No. 80]

J. Cul-de-sac streets.

- (1) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
- (2) Any dead-end street for access to an adjoining property or because of authorized stage development shall be provided with a temporary all-weather turnaround within the development, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.
- (3) Cul-de-sac streets permanently designed as such shall not exceed 500 feet in length.
- (4) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.
- (5) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. The minimum radius to the pavement edge or curblin shall be 40 feet, and the minimum radius of the right-of-way line shall be 50 feet.
- (6) Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.
- (7) The center-line grade on a cul-de-sac street shall not exceed 10%, and the grade of the diameter of the turnaround shall not exceed 5%.

K. Street names.

- (1) Proposed streets which are obviously in alignment with others already existing and named shall bear the names of the existing streets.
- (2) In no case shall the name of a proposed street duplicate or confuse with an existing street name in the township and in the postal district, irrespective of the use of the suffix "street," "road," "avenue," "boulevard," "drive," "way," "place," "court," "lane," etc.
- (3) All street names shall be subject to the approval of the Township Supervisors and the local postmaster.

L. Service streets.

- (1) Service streets are prohibited in all residential subdivisions.
 - (2) Service streets may be permitted in other types of development, provided that the developer produces evidence satisfactory to the Township Planning Commission or Township Supervisors of the need for such service streets.
 - (3) No part of any structure shall be located within 20 feet of the center line of a service street.
 - (4) Dead-end service streets shall be avoided, but where this proves impossible, dead-end service streets shall terminate with a paved circular turnaround with a minimum diameter to the outer pavement edge (curbline) of 50 feet.
 - (5) Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.
- M. Driveways. All driveways shall be designed and improved in accordance with Chapter 85, Driveways. All driveways providing access to an existing or proposed township or state road shall be provided with bituminous or concrete paving extending a minimum of eight feet from the edge of the cartway. Lots shall not be created which cannot be provided with access in accordance with Chapter 85, Driveways. [Amended 12-19-1989 by Ord. No. 80]

§ 155-24. Blocks.

- A. Layout. The length, width and shape of blocks shall be determined with due regard to:
- (1) Provision of adequate sites for buildings of the type proposed.
 - (2) Zoning requirements.
 - (3) Topography.
 - (4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.
- B. Length.
- (1) Blocks shall have a maximum length of 1,600 feet and a minimum length of 500 feet.
 - (2) In the design of blocks longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection.
 - (3) Where practicable, blocks along major and collector streets shall not be less than 1,000 feet long.
- C. Crosswalks.
- (1) Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of

over 1,000 feet in length.

- (2) Such crosswalks shall have a width of not less than 12 feet and a paved walk of not less than five feet.
- D. Depth. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where prevented by the size, topographical conditions or other inherent conditions of the property, in which case the Township Planning Commission or Township Supervisors may approve a single tier of lots.
- E. Commercial and industrial blocks. Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use.

§ 155-25. Lots and parcels.

A. General standards.

- (1) Insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.
- (2) Where feasible, lot lines should follow municipal boundaries, rather than cross them, in order to avoid jurisdictional problems.
- (3) Generally, the depth of residential lots should be not less than one nor more than two and one-half (2 1/2) times their width.
- (4) The depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping, etc.
- (5) If, after subdividing, there exist remnants of land, they shall be either:
 - (a) Incorporated in existing or proposed lots;
 - (b) Legally dedicated to public use if acceptable to the township.

B. Lot frontage.

- (1) All lots shall have direct access to a public street, existing or proposed, or to a private street if it meets the requirements of this chapter.
- (2) Reverse-frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
- (3) All residential reverse-frontage lots shall have, within such rear yard and immediately adjacent to the right-of-way, a planting screen easement of at least 10 feet in width, across which there shall be no right of access.

C. Lot size. Lot dimensions and areas shall not be less than specified by Chapter 184, Zoning, or as determined by § 155-27 of this chapter.

§ 155-26. Sanitary sewage disposal.

- A. The method of sanitary sewage disposal must be approved by the Township Supervisors and/or the Township Engineer, giving consideration to the following order of preference:
- (1) Connection to a public sanitary sewerage system.
 - (2) Provision by the developer of a complete private sanitary sewerage system.
 - (3) Sewage disposal on an individual lot.
- B. Each property shall be connected with an approved sewerage system if accessible.
- C. Sanitary sewer pipe mains shall have a minimum diameter of eight inches, and laterals shall have a minimum diameter of four inches. All pipes shall have a minimum of three and one-half (3 1/2) feet of cover.
- D. Sanitary sewers shall not be used to carry stormwater.
- E. Where a public sanitary sewage system is not accessible to the property but the property is within an area planned for public sanitary sewer service within the next 10 years as provided in the township's Official Act 537 Plan, the developer shall install sanitary sewage facilities, including sewer lines, manholes and laterals, to each lot and/or principal building as may be necessary to provide adequate service to each lot and/or principal building when connection with the sanitary sewage system is made. The design of such sanitary sewage facilities shall be in accordance with the rules and regulations of the West Earl Sewer Authority and shall be approved by the Authority. The sanitary sewer lines shall be suitably capped at the limits of the development, and the laterals shall be capped at the street right-of-way line. When capped sanitary sewer facilities are provided, on-lot sanitary sewage disposal systems shall also be provided. [Amended 5-26-1992 by Ord. No. 93]
- F. Whenever standards for required sanitary sewer improvements are not specified by the Township Supervisors, sanitary sewers shall be designed and constructed in strict accordance with Pennsylvania Department of Environmental Resources standards.
- G. All lots which cannot be connected to a live public or live community sanitary sewerage system at the time of construction of a principal building shall be provided with an on-site sanitary sewage disposal system consisting of a septic tank or tanks connected with a tile disposal field and which shall, as a minimum requirement, meet the design standards of the Pennsylvania Department of Environmental Resources and the township regulations.
- H. If on-site sanitary sewage disposal facilities are to be utilized, the Township Planning Commission may require that the developer submit an economic feasibility report. Such report shall compare the cost of providing on-site facilities and the cost of a community sanitary sewer system with a temporary sewage treatment plant. The temporary treatment plant will have to be abandoned when public trunk sewers are installed in the area.
- I. Where on-site sanitary sewage disposal facilities are to be utilized, each lot so

served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from and at a lower elevation than the proposed building(s) in accordance with the township regulations.

§ 155-27. Hydrogeologic studies. [Amended 5-26-1992 by Ord. No. 93]

All applications for subdivisions and land developments which propose provision of wastewater disposal through the use of an on-site sanitary sewage disposal system or through the use of a community sanitary sewerage system shall be accompanied by a hydrogeologic study performed by a qualified groundwater geologist or hydrogeologist. Such a report shall completely identify all documents, reports, site visits and other sources used to complete the hydrogeologic study and a conclusion whether test results are suitable or unsuitable. The hydrogeologic study shall contain at least the following information:

A. General data:

- (1) A description of the proposed development.
- (2) The proposed flow and supporting calculations.
- (3) Previous reports or investigations performed on the property which reference geologic, hydrogeologic and soil information, determinations, investigations and/or conclusions. This shall include all previous percolation tests, probes and permeability testing.
- (4) A topographic map showing the proposed development and the discharge location or locations.
- (5) A site map with property boundaries, proposed development plans, locations of all investigations performed on the property as referenced in Subsection A(3) of this section and adjacent properties. A one-hundred-foot-radius circle shall be drawn around all on-site wells and all adjacent property wells.
- (6) If on-site sanitary sewage disposal systems are to be used, the site map shall indicate the proposed location of on-site sanitary sewage disposal systems and the replacement location for each on-site sanitary sewage disposal system and percolation tests and probes for each initial on-site sanitary sewage disposal system and replacement location.
- (7) If a community sanitary sewerage system is to be used to provide sanitary sewer service, the site map shall indicate the proposed location of the community sanitary sewerage system and the replacement location and all tests and probes performed on the property.

B. Geologic characteristics. Information relating to the geologic characteristics which influence operation of on-lot sewage disposal systems and groundwater flow on the site and adjacent to all impacted areas shall be described in narrative form and located on a site plan. This information shall include:

- (1) Site geology.

- (2) A geologic formation description and lithologic relationships.
 - (3) Bedding features.
 - (4) The range of depth to bedrock.
 - (5) Faults and lineaments.
 - (6) The nature and degree of bedrock fracturing.
 - (7) The thickness and description of overburden and confining layers. This shall include soil classifications, characteristics and limiting zones. Copies of soil testing site evaluation sheets for each probe and percolation test shall be submitted, whether the test results were suitable or not.
 - (8) Sinkholes, solution channels, pinnacles or other hazardous geologic features.
 - (9) A site description, including observed site features.
 - (10) Any observable or reported feature not specifically mentioned in Subsection B herein which may influence groundwater flow, soil characteristics or on-lot sewage disposal system placement and operation.
- C. Hydrogeologic characteristics. Information shall be presented in both narrative and map form describing groundwater and surface water characteristics which shall include:
- (1) A complete description of the aquifer underlying the site and general capabilities available for development.
 - (2) The depth to groundwater, including seasonal variations.
 - (3) The groundwater flow direction and how this was determined.
 - (4) The uses, direction, flow characteristics and quality of groundwater and surface water on site and in the area surrounding the site.
 - (5) The identity of property owners surrounding the site, their water sources and their primary water use.
 - (6) Laboratory testing of water samples for background nitrate-nitrogen concentrations from a minimum of two wells, either upgradient of the site or on site, by a qualified person who shall be identified in the report. Laboratory results shall be included for all water samples, whether suitable or not, from analytic reports printed on laboratory letterhead. An identification of the laboratory and a short summary of the laboratory's qualifications shall be included. All sample locations shall be identified on a map.
 - (7) Any additional information not specifically requested in this section which may impact groundwater flow or on-lot disposal system operation or placement.
- D. Lot sizes and nitrate loading. An evaluation of the existing and proposed nitrate loading of the groundwater, the velocity and direction of groundwater movement,

the area of potential contamination above 10 parts per million (or the then-current federal drinking water quality standards) which can be anticipated in the aquifer and the impact on water uses in the contaminated area shall be performed. The sizing of lots may be no smaller than that required by Chapter 184, Zoning. However, the minimum lot size shall be determined by this hydrogeologic evaluation. This evaluation will include a narrative, all supporting calculations and a map depicting the following:

- (1) System placement and design features.
- (2) Topography and groundwater flow directions.
- (3) Dispersion plume delineation.
- (4) Mixing zone delineation.
- (5) Buffer zone delineation.
- (6) Minimum lot sizes as determined by this evaluation and proposed lot sizes.
- (7) Nitrate concentration at property boundaries.
- (8) A description of the method used, as well as all calculations, assumptions and analyses utilized in this evaluation. If a computer model was used to generate this data, sufficient supporting data shall be included to replicate results by the geologist/hydrogeologist responsible for the review of the hydrogeologic report.
- (9) An evaluation determining that the proposed on-site sanitary sewage disposal system or systems will not degrade current groundwater/surface water uses.
- (10) A description of the measures to control both present and future water usage within the mixing zone and buffer zone.

§ 155-28. Water supply.

- A. Whenever an existing public or approved community water supply system is geographically and economically accessible to a proposed development, a distribution system shall be designed to furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the specifications of the Middle Department Association of Fire Underwriters. Suitable agreements shall be established with the local water authority for the design, specifications, construction, ownership and maintenance of such distribution system.
- B. Where such systems are not accessible and particularly where on-site sanitary sewage disposal systems are to be used, a community water supply system is strongly recommended. A community water supply system shall be approved by the Pennsylvania Department of Environmental Resources, and appropriate measures shall be provided to ensure adequate maintenance. Suitable agreements shall also be established for the construction, ownership and maintenance of such a distribution system.

- C. Where individual on-site water supply systems are to be utilized, each lot so served shall be of a size and shape to allow safe location uphill from sewage disposal systems and shall not be within 100 feet of any part of the absorption (tile) field of any on-site sanitary sewage disposal system nor within 50 feet from lakes, streams, ponds, quarries, etc.
- D. Where individual on-site water supply systems are to be utilized, it is recommended that the developer provide at least one test well for each 10 proposed dwelling units. Such wells should be drilled, cased and grout sealed into bedrock at least 50 feet deep, having a production capacity of at least five gallons per minute of safe, potable drinking water as certified by the State or Township Health Officer.
- E. Where a public water supply system is not accessible to the property but the property is within an area planned for public water service by adopted planning documents of the West Earl Water Authority, the developer shall install water supply facilities, including water mains, fittings, valves, meters, hydrants, accessories and appurtenances, to each lot and/or principal building as may be necessary to provide adequate service to each lot and/or principal building when connection with the water supply system is made. The design of such water supply facility shall be in accordance with the rules and regulations of the West Earl Water Authority and shall be approved by the Authority. The water mains shall be suitably capped at the limits of the development, and the laterals shall be capped at the street right-of-way line. When capped water supply facilities are provided, on-lot water supply systems shall also be provided. [Added 5-26-1992 by Ord. No. 93]

§ 155-29. Storm drainage.

- A. General requirements.
 - (1) Storm drainage facilities shall be provided where necessary in order to drain low points along streets, to intercept storm runoff along streets at reasonable intervals and to permit the unimpeded flow of storm runoff along natural watercourses. Such facilities shall consist of inlets, manholes, pipes, headwalls and other facilities necessary for the collection and transportation of storm runoff. The township may require that the design calculations be submitted for review by the Township Supervisors and the Township Engineer.
 - (2) Drainage facilities for drainage areas in excess of one-half (1/2) square mile (320 acres) shall conform to the requirements of and be approved by the Pennsylvania Department of Environmental Resources.
 - (3) Where existing storm sewers are reasonably accessible, proposed developments shall be required, if necessary, to connect therewith.
 - (4) In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of stormwater runoff onto adjacent developed or undeveloped properties.
 - (5) The storm drainage plan shall be prepared by a registered engineer.

B. Calculating runoff.

- (1) The method used in calculating runoff shall be the Rational Formula as follows:

$$Q = CIA$$

Where:

Q = The storm flow in cubic feet per second.

C = A coefficient indicating the degree of imperviousness of the drainage area.

I = The intensity of rainfall in inches per hour for the particular frequency of storm used.

A = The drainage area in acres.

- (2) Coefficients "C" used for the calculation of runoff shall be based on the officially designated future land use plan of the township or, in the absence of such a plan, on values assigned by the Township Supervisors. Suggested "C" values to be used are as follows:

Type of Surface	Normal Range	Recommended Values*
City business sections	0.60 to 0.80	0.70
Clay soil, bare or light growth	0.35 to 0.75	0.50
Clay soil, woods or heavy growth	0.25 to 0.60	0.40
Dense residential sections	0.50 to 0.70	0.60
Pavements, bituminous macadam or surface-treated gravel	0.65 to 0.80	0.75
Pavements, concrete or bituminous concrete	0.75 to 0.95	0.90
Pavements, gravel, macadam, etc.	0.25 to 0.60	0.50
Rural areas, parks and golf courses	0.15 to 0.30	0.25

Sandy soil, cultivated or light growth	0.15 to 0.30	0.30
Sandy soil, woods or heavy brush	0.15 to 0.30	0.30
Suburban, normal residential areas	0.35 to 0.60	0.35

*NOTE: Use of lower values must be fully justified.

(3) Intensity of rainfall "I" is a direct ratio to the storm frequency and time of flow as shown by the chart in the Appendix, page A-15.¹¹ Storms with a frequency of occurrence of once in five years shall be used for residential developments and suburban areas; ten-year storms shall be used for urban areas and for drainage facilities under major streets; and twenty-five-year storms shall be used for high-value districts and for major highways. The time of flow shall be the time which it takes runoff from the furthest point of the drainage area to reach the location of the drainage facility to be designed and shall include the overland flow time plus the gutter flow time plus the time of flow through pipes, culverts or natural streams.

(a) Values of "I" storm intensity to be used in the Rational Formula $Q = CIA$ are as follows (inches per hour):

Time of Flow (minutes)	Frequency of Storm Years		
	5	10	25
5	5.8	6.5	7.5
10	4.7	5.4	6.2
15	4.0	4.6	5.2
20	3.4	4.0	4.5
25	3.0	3.5	4.0
30	2.7	3.2	3.6
35	2.4	2.9	3.3
40	2.2	2.7	3.1
45	2.1	2.5	2.9
50	2.0	2.3	2.7
55	1.9	2.2	2.6
60	1.7	2.1	2.5

(b) To obtain the time of flow, the velocity of overland flow must be found. The following chart computes runoff velocity for overland flow for various slopes and types of ground courses:

11. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

	Percent Slope					
Description of Course of Runoff Water	0 to 2	2 to 4	4 to 7	7 to 10	15	20
Woodland or dense grass	0.2	0.3	0.4	0.4	0.4	0.4
Pasture or average	0.3	0.4	0.4	0.4	0.5	0.5
Poor grass	0.4	0.5	0.5	0.6	0.7	0.8
Bare soil	0.5	0.6	0.7	0.8	0.9	0.9
Paved areas	0.8	1.0	1.2	1.4	1.6	2.0

NOTE: Velocities are in in feet per second.

- (4) The drainage area "A" of the Rational Formula is the total area in acres contributing runoff to the point under design.

C. Inlets.

- (1) Inlets shall be placed on both sides of the street at low spots, at a maximum of 600 feet apart, at points of abrupt changes in the horizontal or vertical directions of storm sewers and at points where the flow in gutters exceeds three inches. The chart located in the Appendix, page A-16,¹² uses the Manning Formula to show the amount of runoff needed to obtain a three-inch depth of flow in a gutter at various slopes.
- (2) Inlets shall normally be along the curblines and at or beyond the curb radius points. For the purpose of inlet location at corners, the depth of flow shall be considered for each gutter. At intersections, the depth of flow across through streets shall not exceed one inch. Inlets shall be depressed two inches below the grade of the gutter or ground surface. Manholes may be substituted for inlets at locations where inlets are not required to handle surface runoff. These conditions are illustrated in the Appendix, pages A-17 to A-21.¹³
- (3) All inlets shall be as specified in the Appendix, pages A-22 to A-24,¹⁴ or an approved alternate. Detailed specifications of the proposed alternate inlet must be submitted to the Township Supervisors for approval.

12. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

13. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

14. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

D. Pipes and headwalls.

- (1) Storm sewers shall have a minimum diameter of 15 inches and shall be made of reinforced concrete culvert pipe (RCP) or corrugated galvanized metal pipe (CMP). The Manning Formula shall be employed in computing pipe capacities. Sewers shall be installed on sufficient slopes to provide a minimum velocity of three feet per second when flowing full.
- (2) All storm sewer pipe shall be laid to a minimum depth of one foot from the grade to the crown of the pipe.
- (3) Headwalls shall be used where storm runoff enters the storm sewer horizontally from a natural or man-made channel. The capacity of such storm sewer shall be calculated for both steady flow and culvert design. The lower value of the two shall be used to determine the capacity of the storm sewer.

E. Open drainage and easements.

- (1) Open-channel flow of storm runoff through development areas will be permitted only for natural streams with permanent or intermittent flow as denoted by a solid or broken blue line on a United States Geological Survey map. Such channels shall be designed to handle, without overflowing, the calculated runoff from a storm of ten-year frequency or as required by the Pennsylvania Department of Environmental Resources. The capacities of any modifications to natural channels shall be computed from the Manning Equation. Permissible stream velocities are as follows:

Type of Material		Allowable Velocity (feet per second)
Well-established grass on good soil:		
	Short, pliant, bladed grass	5 to 6
	Bunch grass & " soil exposed	2 to 4
	Stiff-stemmed grass	2 to 3
Earth without vegetation:		
	Fine sand or silt	1 to 2
	Ordinary firm loam	2 to 3
	Stiff clay	3 to 5
	Clay and gravel	4 to 5
	Coarse gravel	4 to 5
	Soft shale	5 to 6

Other:		
	Bituminous or concrete stabilized channels	6
	Paved channels	10 to 15

- (2) Where a development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.
- (3) Any changes in an existing drainageway shall be subject to the approval of the Pennsylvania Department of Environmental Resources, Water and Power Resources Board, Division of Dams and Encroachments, when the Board has jurisdiction.
- (4) A minimum of a twenty-foot-wide easement shall be provided along any storm sewer not located within a public right-of-way.

§ 155-30. Public use and service areas.

A. Public open spaces.

- (1) In reviewing subdivision and land development plans, the Township Planning Commission and Township Supervisors shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the development and shall make such report thereon as they deem necessary in the public interest.
- (2) Developers and the Township Planning Commission shall give earnest consideration to providing facilities or reserving areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields; and shopping and local business centers. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. Prior to the preparation of plans, developers of large tracts should review with the Township Planning Commission the minimum standards for various community facilities applicable to the tract being developed.

B. Community assets. Consideration shall be shown for all natural features, such as large trees, watercourses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the development.

C. Utility easements.

- (1) Easements with a minimum width of 20 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.
- (2) To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- (3) Where any petroleum or petroleum product transmission line right-of-way traverses a subdivision or land development, the developer shall confer with the holder of such right-of-way to determine the minimum distance which shall be required between each structure and the right-of-way. All buildings and structures shall be placed the greater of 25 feet or the minimum distance required by the holder of such right-of-way from the edge of the right-of-way. The developer shall present a letter from the holder of the right-of-way or a copy of the recorded right-of-way agreement to the township with the final plan setting forth the required minimum setback from the right-of-way. [Amended 5-26-1992 by Ord. No. 93]
- (4) Developers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.
- (5) All electric distribution lines shall be installed underground in residential developments of five or more units as per the requirements of the Pennsylvania Public Utility Commission.
- (6) Nothing shall be placed, planted, set, put or maintained within the area of an easement that may adversely affect the function of the easement or conflict with the purpose or arrangement of the easement. This requirement shall be noted on the final plan and shall be included in all deeds for any lots which contain an easement. [Added 12-19-1989 by Ord. No. 80]

§ 155-30.1. Public dedication of park and recreation land. [Added 4-28-1997 by Ord. No. 128]

The Board of Supervisors has adopted a Park and Recreation Plan for the township. To implement this Park and Recreation Plan, all residential subdivisions and land developments proposing to create 10 or more dwelling units shall be provided with park and recreation land which shall be dedicated to the township. The developer may request that the township not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of the land, computed in accordance with the regulations provided herein, an offer to construct recreational facilities and/or an offer to privately reserve land for park or recreation purposes.

- A. The land reserved for park, recreation and open space usage shall be a single lot which shall comply with the requirements of this chapter relating to length to depth ratios and which shall be accessible to the public. No more than 15% of the lot shall consist of floodplain, wetlands or other features which shall render the lot

undevelopable. No stormwater management facilities designed to retain or detain water from other portions of the development shall be permitted on such land reserved for park, recreation and open space usage.

- (1) In the event that the tract contains natural features which are worthy of preservation, the developer may request that the Board of Supervisors permit the provision of recreational land configured in such a manner as to best preserve natural features.
 - (2) The park, recreation and open space land shall be accessible to utilities such as sewer, water and power that are provided with the subdivision, and, if so requested by the township that will accept dedication of the land, the developer shall extend such utilities to the park, recreation and open space land.
- B. In accordance with the recommendations of the Park and Recreation Plan, a minimum of 0.04 acres of land shall be reserved as park or recreational land for each residential lot created in a subdivision or each dwelling unit created in a land development. Notwithstanding the foregoing, in all cases the minimum area of land reserved as park and recreation land shall be equal to the minimum lot size in the district in which the subdivision or land development is located. Such land shall be suitable for development as a children's play area if less than one acre in size or play field if greater than one acre in size.
- (1) In order to implement the recommendations of the Park and Recreation Plan, if the adjoining property is undeveloped land, the Board of Supervisors shall require that such land be provided at the property boundary of the development in order that it may be added to land provided for park and recreation purposes on an adjacent tract at such time as the adjoining property is developed.
 - (2) If the adjoining property has previously been developed and recreational land has been provided at the boundary of that previously developed property, the Board of Supervisors shall require that the recreational land required of the development shall be located adjoining the previously provided recreational land.
- C. The developer may request that the Board of Supervisors permit the provision of park and recreation land other than through public dedication of land as set forth above. The developer shall set forth, in writing, the means by which he will fulfill this requirement which may include the payment of a fee in lieu of dedication of all or a portion of the amount of land required to be dedicated, construction of recreational facilities, the private reservation of land or any combination of dedication, fees, construction of recreational facilities or private reservation.
- (1) If a fee in lieu of dedication is proposed by the developer, said fee shall be the fair market value of the land required to be dedicated under Subsection B above. Payment of all such fees shall be condition of final plan approval, and no plans shall be signed by the Board of Supervisors until such fees are paid.

The developer shall provide the Board with all information necessary to determine the fair market value of the land, including but not limited to a copy of the agreement of sale if the developer is an equitable owner or has purchased the land within the past two years or an appraisal of the property by an MAI appraiser acceptable to the township. Fair market value shall be computed by dividing the total price for the tract by the number of acres within the tract and then multiplying that number by the amount of land required to be dedicated. All fees shall be held and used by the township in accordance with the requirements of Article V of the Municipalities Planning Code.¹⁵ It is the intent of the Board of Supervisors that such fees shall be used for one of the following purposes in accordance with the Park and Recreation Plan:

- (a) In the purchase and development of a centrally located park to serve all township residents; or
 - (b) If the development is located in the area surrounding Brownstown, in the purchase and development of a smaller, neighborhood park in accordance with standards for such park set forth in the Park and Recreation Plan.
- (2) If the developer proposes to construct recreational facilities, the developer shall present a sketch plan of such facilities and an estimate of the cost of construction.
 - (3) If the developer proposes the private reservation of land, the developer shall provide for the maintenance of such land through either the inclusion of such land as common elements of a condominium or the creation of a homeowners' association which shall meet the requirements for a unit owners' association contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S.A. § 3101 et seq. Such documentation shall be recorded, shall provide that the land cannot be further developed and shall give the township the rights to maintain the land as set forth in Article VII of the Municipalities Planning Code¹⁶ dealing with the maintenance of common open space in planned residential developments. Notwithstanding the foregoing, the developer may request that the Board of Supervisors approve transfer of the land to an organization dedicated to the conservation of natural resources with deed restrictions preventing further development acceptable to the Township Solicitor.
 - (4) The developer shall enter into an agreement with the township setting forth the fees to be paid, the facilities to be constructed or the land to be privately reserved and the method of its maintenance. All such agreements shall be in a form satisfactory to the Township Solicitor.

ARTICLE VI

15. Editor's Note: See 53 P.S. § 10501 et seq.

16. Editor's Note: See 53 P.S. § 10701 et seq.

Improvement Specifications

§ 155-31. General requirements.

Physical improvements to the property being developed shall be provided, constructed and installed as shown on the record plan, in accordance with the requirements of this chapter or other township regulations.

- A. As a condition to review of a final plan by the Township Planning Commission, the developer shall agree with the municipality as to the installation of all improvements shown on the plan and required by these or other township regulations. Before the record plan is endorsed by the Township Planning Commission and Township Supervisors, the developer shall submit a completed original copy of the improvements agreement.
- B. All improvements installed by the developer shall be constructed in accordance with the design specifications of the township.
- C. Where there are no applicable township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, County Engineer, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Resources or such other state agency as applicable. If there are no applicable township or state regulations, the Planning Commission may authorize that specifications be prepared by the Township Engineer or an engineering consultant.
- D. Supervision of the installation of the improvements required by the following section shall, in all cases, be the responsibility of the township or of the appropriate state regulatory agency.

§ 155-32. Required improvements.

The following improvements, as shown on the record plan, shall be provided by the developer in all developments requiring approval:

- A. Monuments and markers.
 - (1) Monuments.
 - (a) Sufficient concrete monument locations must be shown on the final plan to define the exact location of all streets and to enable reestablishment of all street lines. Monuments shall preferably be set on the right-of-way line of the street and only on one side of the street at the following locations:
 - [1] At all changes in direction of street lines.
 - [2] At each end of each curved street line.
 - [3] At such other places along the line of streets as may be determined by the Township Engineer to be necessary so that any street may be readily defined in the future.

- (b) Intermediate monuments shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.
- (2) Markers shall be set at locations shown on the final plan as follows:
 - (a) At all points where lot lines intersect curves, either front or rear.
 - (b) At all angles in property lines of lots.
 - (c) At all other lot corners.
- (3) Monuments shall be of concrete or stone with a minimum of six by six by thirty (6 x 6 x 30) inches. Concrete monuments shall be marked on top with a copper or brass dowel; stone monuments shall be marked on top with a proper inscription. Markers shall consist of iron pipes or steel bars at least 30 inches long and not less than three-fourths (3/4) inch in diameter.
- (4) Monuments and markers shall be placed by a registered professional engineer or surveyor so that the scored or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.
 - (a) Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks.
 - (b) Where monuments are located beneath a sidewalk, proper access shall be provided for their use.

B. Streets.

- (1) Streets shall be graded to the full width of the right-of-way, surfaced and improved to the grades and dimensions shown on the plans, profiles and cross sections submitted by the developer and approved by the Township Supervisors.
- (2) Maximum slopes of banks measured perpendicular to the center line of the street shall be three to one (3:1) in fill areas and two to one (2:1) in cut areas.
- (3) Materials to be used in the construction of all streets within the township are indicated in the Appendix on the Typical Street Cross Section.¹⁷

C. Curbs.

- (1) Curbs shall be required on all new streets in subdivisions.
- (2) Curbs shall be provided on all new streets and parking compounds located within a land development, unless it can be shown to the satisfaction of the Township Supervisors that pedestrian traffic does not follow or mix with vehicular traffic.

¹⁷. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

- (3) Curbs shall not be required along service streets.
- (4) All curbs shall conform to specifications for Class B concrete, as specified by the Pennsylvania Department of Transportation, with a minimum compressive strength of 3,000 pounds per square inch after 28 days.
- (5) Curbs shall be constructed to the dimensions shown in the Appendix.¹⁸ Curbs shall be either the vertical type or the slant type, and all materials and methods used in curb construction shall meet the requirements of the latest revision of Form 408 of the Pennsylvania Department of Transportation. All curbing shall be accurately set to line and grade as determined by the Township Engineer. [Amended 12-19-1989 by Ord. No. 80]
- (6) Curbing shall be constructed in ten-foot lengths. A premolded expansion material having a minimum thickness of one-fourth (1/4) inch shall be placed between sections of curved curb and at intervals of not more than 93 feet. Intermediate joints between ten-foot sections shall be formed of two layers of one-ply bituminous paper.
- (7) The depressed curb at driveways shall be no higher than one and one-half (1 1/2) inches above the street surface. The length of this depressed curb shall not exceed 35 feet without a safety island. This safety island shall not be less than 15 feet in length. Pipes or grates or other constructions shall not be placed in the gutter to form a driveway ramp.
- (8) Excavations shall be made to the required depth, and the material upon which the curb is to be constructed shall be compacted to a firm, even surface. Where the subgrade is soft and spongy, a layer of crushed stone or cinders not less than four inches thick shall be placed under the curb.
- (9) Curbs and stabilized shoulders in accordance with the requirements of this section shall be provided on all state highways, subject to the approval of the Pennsylvania Department of Transportation. [Added 12-19-1989 by Ord. No. 80]
- (10) Ramps designed for bicycles or wheelchairs shall be provided at each proposed intersection, at the principal entrances to buildings which front on parking lots, and at all crosswalks. All ramps are to be designed in accordance with the standards set forth in this chapter¹⁹ [Added 6-14-1993 by Ord. No. 98]

D. Sidewalks.

- (1) Sidewalks are required in any development if it is desirable to continue sidewalks that are existing in adjacent developments, to provide access to community facilities or to ensure safety of pedestrians with respect to prospective traffic.

¹⁸. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

¹⁹. !Editor's Note: Exhibit A, Curb and Cut Ramp Details, is attached to Ord. No. 98 and on file in the office of the Township Secretary. or in accordance with the regulations promulgated to implement the Americans With Disabilities Act, whichever shall provide the most accessible standards and be in compliance with the Americans With Disabilities Act.

- (2) When required by the Township Supervisors, sidewalks shall be installed on both sides of all streets, except that no sidewalks shall be required along service streets.
 - (3) Sidewalks shall be located within the street right-of-way, one foot from the right-of-way line. A grass planting strip shall be provided between the curb and sidewalk, except where a ramp has been designed to accommodate bicycles or wheelchairs. At this section of the sidewalk, the planted grass strip shall not be required. [Amended 6-14-1993 by Ord. No. 98]
 - (4) Sidewalks shall be constructed to the dimensions shown in the Appendix.²⁰ Sidewalks shall be a minimum of four feet wide, except along collector and arterial streets and adjacent to shopping centers, schools, recreation areas and other community facilities, where they shall be a minimum of five feet wide.
 - (5) All sidewalks shall conform to specifications for Class B concrete, as specified by the Pennsylvania Department of Transportation, with a minimum compressive strength of 3,000 pounds per square inch after 28 days.
 - (6) Where a sidewalk abuts the curb and a building, wall or other permanent structure, a premolded expansion joint one-fourth (1/4) inch in thickness shall be placed between the curb and the sidewalk for the full length of such permanent structure. Sidewalks shall be constructed in separate slabs 30 feet in length except for closures. The slabs shall be separated by a transverse premolded expansion joint one-fourth (1/4) inch thick. The slabs between expansion joints shall be divided into blocks five feet in length by scoring transversely.
 - (7) Sidewalks shall have a minimum thickness of four inches where used solely for pedestrian traffic and a minimum thickness of six inches at all driveways. Welded wire fabric (66-1010) shall be provided in all sidewalk construction at driveways.
 - (8) Excavations shall be made to the required depth, and a layer of crushed stone or cinders not less than four inches thick shall be placed and thoroughly compacted prior to laying the sidewalk.
- E. Street signs. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval by the township.
- F. Sanitary sewage disposal systems.
- (1) Sanitary sewage disposal systems shall be provided consistent with the design standards and requirements contained in Article V of this chapter.
 - (2) Whenever a subdivider proposes that individual on-site sanitary sewage disposal systems shall be utilized within the subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise),

20. Editor's Note: This material is on file and available for inspection in the office of the Township Secretary.

as a condition of the sale of each lot or parcel within the subdivision, that such facilities shall be installed by the purchaser of such lot or parcel, in accordance with this chapter, at the time that a principal building is constructed.

- (3) In all other cases, the developer shall provide a complete community or public sanitary sewerage system. The design and installation of such public sewerage system shall be subject to the approval of the Township Engineer. The design and installation of such community distribution system shall be subject to the approval of the Pennsylvania Department of Environmental Resources, and such system shall be further subject to satisfactory provision for the maintenance thereof.

G. Water supply.

- (1) Water supply systems shall be provided consistent with the standards and requirements contained in Article V of this chapter.
- (2) Where a subdivider proposes that individual on-site water supply systems shall be utilized within a subdivision, the subdivider shall either install such facilities or shall require (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities shall be installed by the purchaser of such lot or parcel, in accordance with this chapter, at the time that a principal building is constructed.
- (3) Wherever economically feasible, the development shall be provided with a complete public or community water supply system.

H. Fire hydrants. Whenever a public or community water supply system is provided, fire hydrants shall be installed within 600 feet of all existing and proposed structures, measured by way of accessible streets, but in no case shall a fire hydrant be farther than 600 feet from another fire hydrant.

I. Stormwater management facilities, erosion and sedimentation. [Amended 12-19-1989 by Ord. No. 80]

- (1) Stormwater management facilities shall be provided for in accordance with the requirements of Chapter 149, Stormwater Management.
- (2) All subdivision and land development applications which involve grading or excavation shall conform to the requirements of Chapter 102 of the Regulations of the Department of Environmental Resources. It shall be the responsibility of the applicant to obtain any permits or approvals which may be required by the Department of Environmental Resources.
- (3) The applicant shall install all stormwater management facilities and/or erosion-control devices at the commencement of development of the property to prevent damage or inconvenience to adjoining properties resulting from stormwater runoff, silt or erosion.

J. For all subdivisions or land development plans proposing to create 10 or more

residential lots or dwelling units, public dedication of park and recreational land meeting the standards set forth in § 155-30.1, or the payment of a fee in lieu of dedication computered in accordance with the requirements of § 155-30.1. [Added 4-28-1997 by Ord. No. 128]

§ 155-33. Recommended improvements.

The following improvements, intended to enhance the sales value of the development, as well as to benefit the township, are recommended but not required:

A. Streetlights.

- (1) In accordance with the conditions to be agreed upon by the developer, the township and the appropriate public utility, streetlights are recommended to be installed in all developments; however, whether or not streetlights are initially installed, the developer shall be responsible for providing utility easements for future streetlighting installation upon consultation with the public utility company involved.
- (2) When installed, streetlights shall be provided at:
 - (a) All street intersections.
 - (b) Changes in grade in excess of 5%.
 - (c) All other locations considered hazardous by the Township Engineer.
- (3) The minimum light source for streetlighting shall be determined by the appropriate public utility company.
- (4) The style and type of fixture shall be subject to the approval of the Township Supervisors.

B. Shade trees.

- (1) Reasonable efforts should be made by the developer to preserve existing shade trees.
- (2) Deciduous hardwood trees with a minimum caliper of 1 1/2 inches should be provided in accordance with conditions to be agreed upon by the township and, if necessary, the appropriate public utility.
- (3) Where provided, such trees should be planted between the sidewalk and the building setback line at least five feet from the sidewalk or between the curb and sidewalk, provided that the planting strip is a minimum of six feet wide.
- (4) The species of any shade tree located between the curb and the sidewalk or located so that its branches would hang over the cartway and sidewalk shall be approved by the Township Engineer.

§ 155-34. Purpose. [Amended 5-26-1992 by Ord. No. 93]

The purpose of this article is to regulate mobile home parks in accordance with the requirements of Article V of the Pennsylvania Municipalities Planning Code²¹. The provisions of this Article do not supersede the rest of this chapter. To the extent that this Article provides more stringent regulations than the requirements of the rest of this chapter, the provisions of this Article shall apply. All other provisions of this chapter shall apply to the extent that the issues addressed therein are not specifically regulated by this Article.²²

§ 155-35. Development standards.

A. Area, density and dimensions.

- (1) The minimum size of a mobile home park shall be eight acres.
- (2) A mobile home park shall have a maximum density of six mobile home lots per acre.
- (3) The minimum size of any mobile home lot shall be 4,500 square feet.
- (4) The minimum setback from the right-of-way of a public street to any mobile home, service or accessory building or off-street parking facility of a mobile home park shall be 50 feet.
- (5) The minimum allowable distance between any mobile home park boundary line and a mobile home, off-street parking facility or service or accessory building shall be 25 feet.
- (6) Mobile homes shall be separated from other mobile homes, from service or accessory buildings, from adjoining streets or from common parking areas by at least 20 feet.
- (7) Each mobile home lot shall be at least 45 feet wide at the street line.
- (8) All mobile homes shall have a minimum of 500 square feet of floor space.

B. Service and accessory buildings.

- (1) All service and accessory buildings, including management offices, storage areas, laundry buildings and indoor recreation areas, shall be adequately constructed, ventilated and maintained so as to prevent decay, corrosion, termites and other destructive elements from causing deterioration.
- (2) Service and accessory buildings shown on an approved plan shall be erected in the mobile home park. All attachments to individual mobile homes in the form of buildings such as sheds and lean-tos are prohibited.

21. Editor's Note: See 53 P.S. § 10501 et seq.

22. Editor's Note: Former Section 602, Regulation of Mobile Homes, which immediately followed this section, was deleted 5-26-1992 by Ord. No. 93.

- (3) In every mobile home park, there shall be an office in which shall be located the office of the person in charge of such mobile home park. This office shall be a structure designed for and clearly identified as the office of the mobile home park manager.
- (4) Occupants of each mobile home lot shall be provided with at least 150 cubic feet of enclosed storage space. The type of storage facility shall be approved by the Board of Supervisors.

C. Water supply.

- (1) All mobile home parks shall be connected to a public water supply system when available. Mobile home parks unable to connect to a public water supply system shall have an adequate supply of potable water from a source approved by the Pennsylvania Department of Environmental Resources.
- (2) All mobile homes and such service buildings as shall include the use of water shall be connected to an approved water supply system. Individual water riser pipes having an inside diameter of no less than three-fourths (3/4) inch shall be provided on each mobile home lot and shall terminate no less than four inches above the ground.
- (3) Adequate provisions shall be made to protect water service lines from damage, including a shutoff valve on each mobile home lot below the frost line.
- (4) Fire hydrants shall be installed in accordance with Article VI, § 155-32H, of this chapter. When a public or community water supply system is not available, portable fire extinguishers approved by the proper regulating authority shall be maintained in convenient locations throughout the mobile home park in the ratio of one fire extinguisher per each mobile home lot.

D. Sanitary sewage disposal.

- (1) All mobile home parks shall be connected to a public sanitary sewerage system when available. When a mobile home park is unable to connect to a public sewerage system, an adequate and safe sanitary sewage disposal system shall be provided for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. The system shall be designed, constructed and maintained in accordance with the applicable rules and regulations of the Pennsylvania Department of Environmental Resources.
- (2) All mobile homes and service buildings as shall include the use of water or of toilet facilities shall be connected to an approved sanitary sewage disposal system. Individual sewer riser pipes having at least a four-inch diameter shall be located on each mobile home stand and shall extend at least one inch above ground level. Provisions shall be made for sealing the sewer riser pipe with a securely fastened plug or cap when the mobile home lot is unoccupied.
- (3) Adequate provisions shall be made to protect sanitary sewers from stormwater infiltration and breakage.

E. Storm drainage.

- (1) The ground surface in all parts of the mobile home park shall be graded and equipped to drain all surface water in a safe and efficient manner.
- (2) Storm drainage shall be in conformance with Article V, § 155-29, and Article VI, § 155-32I, of this chapter.

F. Streets, parking and sidewalks.

- (1) All streets in a mobile home park shall be private streets and shall meet all requirements of a public street unless specifically mentioned in this section.
- (2) Streets in a mobile home park shall have direct access either to another street in the mobile home park or to a public street. All streets shall be easily accessible to a public street.
- (3) Streets in a mobile home park shall be clearly marked and shall be well lighted at night.
- (4) Each mobile home lot shall be provided with a minimum of two off-street paved parking spaces of bituminous or concrete surfacing.
- (5) Overflow parking shall also be provided for each mobile home lot by either on-street parking along the curblines of the streets of the mobile home park or common parking compounds that have direct access to the streets of the mobile home park.
- (6) On-street parking is permitted when the minimum cartway width of the streets is 34 feet.
- (7) A minimum cartway width of 24 feet is permitted if all of the following apply:
 - (a) No on-street parking is allowed on any street within the mobile home park.
 - (b) Overflow parking is provided in common parking compounds at the ratio of one parking space per mobile home lot.
 - (c) The common parking compound shall be within 300 feet of all mobile home lots it is designed to serve.
- (8) Each mobile home lot shall abut a street within the mobile home park.
- (9) Sidewalks and curbs are required along both sides of all streets and around all sides of common parking compounds within a mobile home park. Sidewalks shall be located not more than four feet from the curblines of the streets.
- (10) Sidewalks shall connect each mobile home lot with all streets, service and accessory buildings, common walkways, parking compounds and recreation areas within the mobile home park.

G. Mobile home stands.

- (1) Each mobile home lot shall have a hard-surfaced mobile home stand which shall be reserved for the placement of a mobile home and appurtenant structures and connections.
- (2) Each mobile home stand shall have a foundation that will not heave, shift or settle unevenly because of frost action, inadequate drainage, vibration or other forces acting on the superstructure. Each stand shall be equipped with properly designed utility connections.
- (3) The space between the floor of the mobile home and the stand shall be enclosed with proper skirting to protect all supports and utility connections.
- (4) All mobile homes shall have tie-downs with provisions for distributing the load of these tie-downs and provisions for the attachment to ground anchors so as to resist wind overturning and sliding as specified by the Mobile Homes Manufacturers Association Standards, as amended.

H. Ground cover.

- (1) Ground surfaces in all parts of the mobile home park shall be either paved, covered with other solid material or protected with vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- (2) Park grounds shall be maintained free of vegetable growth which is poisonous or which may harbor rodents, insects harmful to man or other pests harmful to man.

I. Electrical distribution.

- (1) Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company specifications. Each mobile home shall be connected to this electrical distribution system.
- (2) Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment.
- (3) All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

J. Solid waste disposal and vector control shall be the responsibility of the mobile home park operator and shall be performed in accordance with the rules and regulations of the Pennsylvania Department of Environmental Resources.

§ 155-36. Submission procedure; plan requirements.

A. The procedure for submission of plans for approval of a mobile home park shall be

the same as that for a land development as described in Article III of this chapter. The recording of the final plan shall serve as authority to construct the mobile home park in accordance with the requirements of this Article. It does not allow the operation of the mobile home park.

- B. Each mobile home park shall be established, maintained, conducted and operated in strict compliance with the rules and regulations of the Commonwealth of Pennsylvania Department of Health, Chapter 4, Article 415, Regulations for Mobile Home Parks, adopted October 30, 1959, as amended.
- C. The plan requirements for a mobile home park plan shall be the same as those requirements for a land development plan as described in Article IV of this chapter. To those requirements, the following items shall be added to be shown on both the preliminary and the final plans:
 - (1) The name and address of the operator of the mobile home park, if not the owner.
 - (2) The location of off-street parking spaces on a typical mobile home lot or, when required, the location of overflow parking and parking compounds.
 - (3) The location and type of all recreational facilities.
 - (4) The location and use of all service and accessory buildings.
 - (5) The location of all fire-fighting items, including but not limited to fire hydrants and hand fire extinguishers.
 - (6) A letter signed by the applicant indicating the method and plan of garbage and refuse disposal to be used for the mobile home park.²³

ARTICLE VIII Amendments; Administration

§ 155-37. Amendments.

- A. The Township Supervisors may, from time to time on their own motion, revise, modify or amend this chapter in order to increase its effectiveness or to expedite the approval of subdivision and land development plans.
- B. Any revisions, modifications or amendments to this chapter shall be made in accordance with the procedures established by law after a public hearing on the proposed revisions, modifications or amendments. In addition, in the case of an amendment other than that prepared by the Township Planning Commission, the Supervisors shall submit each amendment to the Township Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.

²³. Editor's Note: Former Section 605, Permits, Section 606, Enforcement, Transfer and Revocation, Section 607, Mobile Home Park Employees, and Section 608, Existing Mobile Home Parks, all of which immediately followed this section, were deleted 5-26-1992 by Ord. No. 93.

§ 155-38. Waivers. [Amended 12-19-1989 by Ord. No. 80]

The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of a majority of the members of the Township Supervisors present at a public meeting, to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the particular property and if the applicant shows that an alternative proposal will allow for equal or better results and represents the minimum modification necessary, the Board of Supervisors may grant a waiver 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 waiver shall not have the effect of making null and void the intent and/or purpose of this chapter.

§ 155-39. Appeals. [Amended 12-19-1989 by Ord. No. 80]

Any person aggrieved by a finding, decision or determination of the Board of Supervisors, Township Engineer or Zoning Officer in connection with an application for approval of a subdivision or land development shall appeal as specified by this section.

- A. Appeals from the determination of the Township Engineer or Zoning Officer with reference to sedimentation, erosion control and/or stormwater management issues shall be made to the Board of Supervisors.
- B. Appeals from all findings, decisions or determinations of the Board of Supervisors shall be made in accordance with the provisions of the Municipalities Planning Code.²⁴

§ 155-40. Fees. [Amended 5-26-1992 by Ord. No. 93]

The Township Supervisors shall establish by resolution a schedule of fees to be paid by the developer at the time of filing of a preliminary plan and throughout the course of review and development of the project.²⁵ The fees imposed by the township shall include reasonable review fees imposed by the Township Engineer for the review of plans and reports and reasonable inspection fees imposed by the township and/or the Township Engineer for inspection of improvements. No final plan shall be approved unless all fees and charges owing at the time that the Supervisors are scheduled to take action upon the final plan have been paid in full.

§ 155-41. Violations and penalties. [Amended 12-19-1989 by Ord. No. 80; 5-26-1992 by Ord. No. 93]

It shall be a violation of this chapter for any person who is the owner or agent of the owner of any lot, tract or parcel to lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvement for public use, travel or other

24. Editor's Note: See 53 P.S. § 10101 et seq.

25. Editor's Note: See Ch. A190, Fees.

purposes or for the common use of occupants of structures abutting thereon or to sell, transfer or agree or enter into an agreement to sell any land in a subdivision or land development or to undertake such development prior to the approval and recording of a final plan in full compliance with the provisions of this chapter. It shall also be a violation of this chapter for any person undertaking development in accordance with an approved and recorded final plan or an improvement construction plan to install improvements in a manner or to specifications other than those contained on the recorded final plan or approved construction improvement plan or to fail or refuse to install improvements required by the terms of this chapter. Any person who shall violate any provisions of this chapter shall be subject to the penalties and remedies provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended and as supplemented and specifically as amended and reenacted by Act 170 of 1988,²⁶ including but not limited to the penalties and remedies set forth in Sections 515.1 through 515.3,²⁷ which are incorporated herein by reference as though fully set forth.

§ 155-42. Records to be kept.

The Township Planning Commission and the Township Supervisors shall keep a record of their findings, decisions and recommendations relative to all subdivision or land development plans filed for review. Such records shall be made available to the public for review.

§ 155-43. Responsibility of developers.

The developer shall be responsible for observing the procedures established in this chapter and for submitting all plans and documents as may be required.

§ 155-44. Conflicts with other laws.

Whenever there is a difference between the minimum standards specified herein and those included in other official township ordinances or regulations, the more stringent requirements shall apply.

²⁶. Editor's Note: See 53 P.S. § 10101 et seq.

²⁷. Editor's Note: See 53 P.S. §§ 10515.1 through 10515.3.