

EPHRATA TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

ENACTED FEBRUARY 18, 1992

AS AMENDED BY:

ORDINANCE NO. 123
(JULY 19, 1994)

ORDINANCE NO. 146
(MARCH 17, 1997)

ORDINANCE NO. 152
(DECEMBER 9, 1997)

ORDINANCE NO. 157
(November 3, 1998)

ORDINANCE NO. 211
(July 11, 2006)

ORDINANCE NO. 219
(July 10, 2007)

ORDINANCE NO. 246
(May 7, 2013)

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SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

AN ORDINANCE SETTING FORTH RULES, REGULATIONS, AND STANDARDS REGULATING SUBDIVISION AND LAND DEVELOPMENT WITHIN THE TOWNSHIP OF EPHRATA, LANCASTER COUNTY, PENNSYLVANIA, PURSUANT TO THE AUTHORITY GRANTED IN ARTICLE V OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE, ACT 247 OF 1968, AS AMENDED AND REENACTED BY ACT 170 OF 1988, AND ESTABLISHING THE PROCEDURE TO BE FOLLOWED BY THE EPHRATA TOWNSHIP PLANNING COMMISSION AND THE EPHRATA TOWNSHIP BOARD OF SUPERVISORS IN THE APPLICATION AND ADMINISTRATION OF SAID RULES, REGULATIONS AND STANDARDS, AND PROVIDING PENALTIES AND REMEDIES FOR THE VIOLATION THEREOF.

BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of Ephrata Township, Lancaster County, Pennsylvania, as follows:

ARTICLE I

TITLE - AUTHORITY

SECTION 101. Short Title. This Ordinance shall be known as "The Ephrata Township Subdivision and Land Development Ordinance of 1992."

SECTION 102. Purpose. This Subdivision and Land Development Ordinance is adopted for the following purposes:

- A. To promote and protect the public health, safety, morals, and welfare.
- B. To promote orderly, efficient, integrated, and harmonious development in the Township.
- C. To require sites suitable for building purposes and human habitation in keeping with the standards of quality existing in the Township and to alleviate peril from fire, flood, erosion, excessive noise, smoke, or other menace.
- D. To coordinate proposed streets and other improvements with existing or proposed streets, parks or other features of the comprehensive plan and to provide for drainage, water supply, sewage disposal, and other appropriate utility services.
- E. To encourage preservation of adequate open spaces for recreation, light and air and maintenance of the natural amenities characteristic of the Township and its residential, commercial, agricultural, industrial, and public areas.
- F. To ensure conformance of subdivision and land development plans with the Comprehensive Plan, Zoning Ordinance, and public improvement plans and to ensure coordination of intergovernmental improvement plans and programs.
- G. To secure equitable treatment of all subdivision and land development plans by providing uniform procedures and standards.

- H. To ensure that developments are environmentally sound by requiring preservation of the natural features of the areas to be developed to the greatest extent practicable, to maintain the economic well-being of the Township and to prevent unnecessary or undesirable blight, runoff and pollution.
- I. To secure the protection of water resources and drainageways.
- J. To establish provisions governing the standards by which streets shall be granted and improved, and walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities, and other improvements shall be installed as a condition precedent to final approval of plans.

SECTION 103. Authority and Jurisdiction. No land development or subdivision of any lot, tract or parcel of land shall be made and no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

103.1 The authority for the control and regulation of subdivision and land development within the Township shall be as follows:

- A. Approval by the Ephrata Township Supervisors. The Ephrata Township Supervisors shall be vested with the authority to approve or disapprove all subdivision and land development plans.
- B. Review by the Ephrata Township Planning Commission. Plans for subdivision and land development shall be submitted to the Ephrata Township Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township Supervisors. However, if a report is not received from the Ephrata Township Planning Commission within thirty (30) days after submission, the Township may proceed without the report.
- C. Review by the County Planning Commission. Plans for subdivision and land development located within Ephrata Township shall be submitted to the Lancaster County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the County Planning Commission within thirty (30) days after submission, the Township may proceed without the report.

103.2 All provisions of the Ephrata Township Subdivision and Land Development Ordinance of 1978, as amended, are hereby repealed and the provisions of this Ordinance shall substitute for the former.

ARTICLE II

INTERPRETATION AND DEFINITIONS

SECTION 201. General Interpretations: In this Ordinance the following rules of interpretation shall be used:

- A. The word "lot" includes the word "plot" or "parcel".
- B. Words in the present tense may imply the future tense.
- C. Words used as singular imply the plural.
- D. The masculine gender includes the feminine and neuter genders.
- E. The word "person" includes a partnership, corporation, association, trust, estate, or any other legally recognized entity as well as an individual.
- F. The word "shall" is to be interpreted as mandatory; the word "may" as directory.
- G. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials are to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials of the Township of Ephrata as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

SECTION 202. Definitions. Unless otherwise stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated in this Section:

- 202.1 Access Drive. A private drive providing pedestrian and vehicular access between a public or private street and a parking compound within a land development.
- 202.2 ACT. The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et seq.
- 202.3 Agent. Any person, other than a landowner or developer, who, acting for the landowner or developer, submits to the Planning Commission and Township Supervisors subdivision or land development plans for the purpose of obtaining approval thereof.
- 202.4 Agricultural Purposes. The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment for housing and feeding the animals and housing the equipment. The use of land for a dwelling site is not an agricultural purpose.
- 202.5 Applicant. A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

- 202.6 Application for Development. Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a land development plan.
- 202.7 Authority (Sewer). The Ephrata Township Sewer Authority or its successor.
- 202.8 Authority (Water). The Ephrata Joint Water Authority or its successor.
- 202.9 Block. An area bounded by streets.
- 202.10 Board of Supervisors. The Ephrata Township Board of Supervisors.
- 202.11.A Building. Any enclosed or open structure having a roof or other covering, including pre-fabricated units, constructed or used for a residence, business, industry, place of assembly or the like.
- 202.11.B Building, Accessory. A detached, subordinate building or structure, the use of which is customarily incidental to that of the principal building or use and which is located on the same lot as occupied by the principal building or use.
- 202.11.C Building Addition. An increase in floor area or expansion of an existing building or structure. The expansion of which shall be attached to the building or structure.
- 202.11.D Building Area. The total area of the greatest outside dimensions, on a horizontal plane, of a building or structure.
- 202.11.E Building, Principal. A building or structure in which is conducted, designed to be conducted, or intended to be conducted the primary use of the lot on which it is located.
- 202.12 Building Envelope. The building envelope is that area of the lot which has no building restrictions. The building envelope shall not include the area of any required setbacks (except for driveways which cross yards), buffer yards or floodplains.
- 202.13 Building Setback Line. A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line or property line.
- 202.14 Cartway. The portion of a street or alley intended for vehicular use.
- 202.15 Clear Sight Triangle. An area of unobstructed vision at the intersection of two (2) or more streets, access drives or alleys. It is defined by lines of sight between points at a given distance from the intersection of the centerlines of both streets.
- 202.16 COE. United States Army Corps of Engineers.
- 202.17 Common Driveway. A private driveway utilized by two (2) or more separate lots or dwellings for access to a public or private street.

- 202.18 Common Open Space. A parcel or parcels of land, an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.
- 202.19 Community Sewage System. A sewage disposal system, other than a public sewer system, which provides sewage disposal for two (2) or more units of occupancy which shall comply with all applicable regulations of the Department of Environmental Resources or other regulatory agency.
- 202.20 Community Water Supply System. A water supply system, other than a public water system, providing water for more than two (2) units of occupancy which shall comply with all applicable regulations of the Department of Environmental Resources or other regulatory agency.
- 202.21 Compensatory Mitigation. A form of mitigating for wetlands lost due to construction by planning, excavating and planting a new wetland area.
- 202.22 Comprehensive Plan. The plan, or parts thereof, which have been adopted by the Board of Supervisors, showing its recommendations for such systems as parks and recreation facilities, water supply, sewer and sewage disposal, transportation highways, civic centers, and other public improvements which affect the development of the Township.
- 202.23 Corner Lot. A lot abutting upon two (2) streets at their intersection.
- 202.24 County Planning Commission. The Lancaster County Planning Commission.
- 202.25 Cul-de-sac. A street intersecting another street at one end and terminating at the other in a vehicular turnaround.
- 202.26 Curb. The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic; all curbs shall be constructed in accordance with the specifications in this Ordinance or any other Ordinance enacted by the Board of Supervisors setting requirements for the construction of roads, curbs and sidewalks.
- 202.27 Dedication. The deliberate appropriation of land by its owner for general public use.
- 202.28 Department of Environmental Resources (DER). The Department of Environmental Resources of the Commonwealth of Pennsylvania or any agency successor thereto.
- 202.29 Design Speed. The design speed for streets designed in accordance with this Ordinance shall equal the proposed posted speed plus five (5) miles per hour.
- 202.30 Department of Transportation (PennDOT). The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

- 202.31 Development Plan. The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density or development, streets, ways and parking facilities, common open space, and public facilities. The phrase "Provisions of the Development Plan" shall mean written and graphic materials referred to in this definition.
- 202.32 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; a subdivider.
- 202.33 Double Frontage Lot. A lot, other than a corner lot, fronting on two (2) streets.
- 202.34 Drainage Facility. Any ditch, gutter, pipe, culvert, storm sewer, or other structure designed, intended or constructed for the purpose of carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.
- 202.35 Driveway. A private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy, which shall comply in all respects with the Zoning Ordinance and any other Ordinance regulating the placement and/or construction of driveways which may be enacted by the Board of Supervisors.
- 202.36 Dwelling Unit. Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.
- 202.37 Easement. A limited right of use granted in private land for a public or quasi-public purpose.
- 202.38 Easement of Access. Any driveway or other entrance from a public or private road. A field road providing access to agriculturally used fields and not providing access to any residential, commercial or industrial structure is not considered an easement of access.
- 202.39 Engineer. A professional engineer licensed as such in the Commonwealth of Pennsylvania.
- 202.40 Financial Security. A letter of credit or other form of guarantee in accordance with the requirements of Article V of the Municipalities Planning Code posted by a developer to secure the completion of improvements indicated on an approved plan.
- 202.41 Floodplain. The area of inundation which functions as a conveyance, storage or holding area for floodwater to a width required for a one hundred (100) year flood.
- 202.42 Floor Area. The total floor area of a building or structure, excluding unimproved cellars or basements used only for storage, storage attics, open porches, garages used for vehicle storage, and the like.

- 202.43 Frontage. The horizontal or curvilinear distance along the street line upon which a lot abuts.
- 202.44 Future Right-of-Way. The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads or a right-of-way established to provide future access to or through undeveloped land.
- 202.45 Grade. The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.
- 202.46 Gutter. That portion of a right-of-way carrying surface drainage.
- 202.47 Hardship. A condition, not economic in nature, not caused by the applicant or developer for which he may request a waiver.
- 202.48 Homeowners' Association. An unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A homeowners' association shall also include a condominium unit owners' association. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. Section 3101 et seq.
- 202.48(1) Hours of Operation. When a building or facility is being occupied and used for its intended purpose.
- 202.49 Improvements. Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, storm water management facilities, grading, street signs, plantings, and other items for the welfare of the property owners and the public.
- 202.50 Individual On-Lot Sewage System. Any system of piping tanks, or other facilities serving a single lot and collecting and disposing of sewage, in whole or in part, into the soil and any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition, and which is located upon the lot which it serves.
- 202.51 Land Development.
- A. Any of the following activities:
1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - b. The division or allocation of land or space, whether initially or

cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

2. A subdivision of land.
3. Except as provided below, development in accordance with Section 503.(1.1) of the Municipalities Planning Code.

B. Land Development shall not include the following:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park.

For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

4. A building addition to an existing non-residential principal structure, provided that:
 - a. The addition does not create more than two thousand (2,000) square feet of additional building area or represent more than ten percent (10%) increase in building area of the principal structure; and
 - b. The addition does not create a need for any additional parking, per the Township Zoning Ordinance; and
 - c. The addition does not, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, create the need for a sewer facility's plan revision (plan revision module for land development), or supplement; and
 - d. The addition is not for the creation of additional units of occupancy; and
 - e. The addition does not require approval from the Zoning Hearing Board: and

- f. The addition complies with all provisions of applicable Township ordinances.

For the purpose of this subclause, the building addition exemption shall be limited cumulatively from the date of this ordinance. The net addition shall be the sum of all additions after July 19, 1994.

- 202.52 Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.
- 202.53 Landscape Architect. A professional landscape architect licensed as such in the Commonwealth of Pennsylvania.
- 202.54 Location Map. A map showing the site with relation to adjoining areas.
- 202.55 Lot. A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.
- 202.56 Lot Area. The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, not including any area within a street right-of-way.
- 202.57 Lot Width. The width of a lot measured at the street right-of-way line and the minimum building setback line. For a flag lot, the lot width shall be measured at the flag.
- 202.58 Mobile Home. A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
- 202.59 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.
- 202.60 Mobile Home Park. A parcel or contiguous parcels of land which have been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.
- 202.61 Multiple Dwelling Building. A building providing separate living quarters for two (2) or more families.
- 202.62 Municipalities Planning Code. The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. Section 10101

et seq.

- 202.63 Non-Residential. Any use other than single or multi-family dwellings. An institutional use in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered a non-residential use.
- 202.64 NWI. National Wetland Inventory.
- 202.65 Owner. The owner of record of a parcel of land.
- 202.66 Parking Area. An area on a lot utilized for the parking of vehicles for a single unit of occupancy.
- 202.67 Parking Compound. An area on a lot containing any use other than agricultural or one (1) single-family detached dwelling for the parking of three (3) or more vehicles.
- 202.68 Parking Space. An off-street space available for the parking of a vehicle. The minimum area required for a single space shall be ten (10) feet wide by twenty (20) feet long. For the purpose of this Ordinance, the minimum number of parking spaces required for the Zoning Ordinance shall not include space within garages. Occupancy of one (1) space shall not restrict ingress or egress to another space.
- 202.69 Plan.
- A. Final Plan. A complete and exact subdivision and/or land development plan, including all supplementary data specified in Section 403 of this Ordinance.
 - B. Improvement Construction Plan. A complete and exact subdivision and/or land development plan, prepared in accordance with Article V of this Ordinance, the sole purpose of which is to permit the construction of only those improvements required by this Ordinance, as an alternative to guaranteeing the completion of those improvements by a corporate bond or other surety.
 - C. Lot Add-On Plan. A complete and exact subdivision plan including all supplementary data specified in Section 404 of this Ordinance.
 - D. Preliminary Plan. A subdivision and/or land development plan including all required supplementary data specified in Section 402 of this Ordinance, showing approximate locations.
 - E. Record Plan. A final plan which contains the original endorsement of the local municipality and the Planning Commission which is intended to be recorded with the Lancaster County Recorder of Deeds.
 - F. Sketch Plan. An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal prepared in accordance with Section 401 of this Ordinance.

- 202.70 Planning Commission. The Ephrata Township Planning Commission.
- 202.71 Planning Module for Land Development. A revision to the Township Official Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DER regulations.
- 202.72 Public Sewer System. A municipal sanitary sewer system approved and permitted by DER and owned by the Sewer Authority or Township.
- 202.73 Public Water System. A municipal water supply facility approved and permitted by DER and owned by the Water Authority or Township or a water supply facility owned by a public utility and operated in accordance with a certificate of public convenience granted by the Pennsylvania Public Utility Commission.
- 202.74 Quadrat. A circular or square plot of a given area used to determine the dominant plant species within a site.
- 202.75 Recorder of Deeds. The Recorder of Deeds in and for Lancaster County, Pennsylvania.
- 202.76 Replacement Location. A location designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of DER and all applicable Township Ordinances for an individual on-lot sewage system.
- 202.77 Resubdivision. Any subdivision or transfer of land laid out on a plan which has been approved by the Township which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.
- 202.78 Reverse Frontage Lot. A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.
- 202.79 Right-of-Way. Land set aside for use as a street, alley or other means of travel.
- 202.80 Sight Distance. The length of street, measured along the centerline, which is continuously visible from any point three (3) feet above the centerline.
- 202.81 Street. A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Unless the existing streets within the Township are officially classified, the following general classifications will prevail:
- A. Arterial Street; Highway. A street or road which is used primarily for fast or heavy traffic including all roads classified as main and secondary highways by the Department of Transportation.

- B. Collector Street. A street which carries traffic from minor streets to the major system or arterial streets, including the principal entrance or circulation streets of a residential development and all streets within industrial and/or commercial subdivisions or developments.
- C. Local Street. A street which is used primarily for access to the abutting properties.
- D. Alley. A minor street which is used primarily for vehicle access to the back or the side of properties otherwise abutting a street, or for placement of utilities.

- 202.82 Street Line. A line defining the edge of a street right-of-way and separating the street from abutting property or lots. Also known as the "street right-of-way line."
- 202.83 Structure. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- 202.84 Subdivider. A developer.
- 202.85 Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
- 202.86 Surveyor. A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.
- 202.87 Township. Ephrata Township, Lancaster County, Pennsylvania, as represented by the Board of Supervisors, or its duly authorized agents.
- 202.88 Tract. All contiguous land owned by the same landowner and all land owned by the same landowner on April 7, 1981, which is or was contiguous except for the presence of public or private roads and/or the presence of lots or parcels adversed from the original tract since April 7, 1981.
- 202.89 Transect. A line along which quadrats are placed at intervals.
- 202.90 Undeveloped Land. Land in parcels sufficiently large for future subdivision which is presently in agriculture, woodland or lying fallow.
- 202.91 Unit of Occupancy. A unit, the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be either residential or non-residential and can be an independent unit within a structure or a separate

detached structure. Types of units are as follows:

- A. Single Detached Unit. A unit that is completely surrounded by open space.
- B. Semi-Detached Unit. A unit within a structure in which two (2) units are side by side, each having open space on three (3) sides (e.g. a twin or semi-detached dwelling).
- C. Horizontally Attached Unit. A unit within a structure in which three (3) or more units are attached by vertical walls and do not have horizontal divisions between units (e.g. town houses, row houses, shopping center with multiple store fronts).
- D. Vertically Attached Unit. A unit within a structure in which two (2) or more units are attached by horizontal divisions (e.g. multi-story apartment building or multi-story office building).

202.92 Waiver. The granting of an exception to these regulations which in the opinion of the Township Supervisors will not be detrimental to the general welfare, impair the intent of those regulations or conflict with the comprehensive plan.

202.93 Wastewater Treatment Facility. A system of piping and appurtenances, whether municipally or privately owned, designed for the collection and transmission of liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions to a central wastewater treatment plant for treatment and discharge (not including septic tanks or sub-surface disposal systems).

202.94 Water Supply Facility. A system of piping and appurtenances, whether municipally or privately owned, designed for the transmission and distribution of potable water from a centralized water supply or source to residences, commercial building, industrial plants, or institutions (not including individual on-lot wells).

202.95 Wetlands. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil condition. Wetlands include, but are not limited to, swamps, bogs, marshes, and wet meadows.

ARTICLE III

PLAN PROCESSING PROCEDURES

SECTION 301. General: This article sets forth the application requirements for obtaining approval of subdivision and land developments. The form of the various plans referred to in this Article and information required to be forwarded with such plans shall be as specified in Article IV.

SECTION 302. Pre-Application Review (Sketch Plan). Applicants are urged to discuss possible development sites and plan with the staff of the Township prior to submission of any plan. The purpose of the pre-application meeting or sketch plan review is to afford the applicant an opportunity to receive the advice and assistance of the Township staff. Submission of a sketch plan is optional and will not constitute formal filing of a plan with the Township.

- A. **Pre-Application Plans and Data Procedure.** Prior to the preparation and filing of the preliminary plan for subdivision or land development, the applicant may submit to the Township the following plans and data, which shall be forwarded to the Planning Commission for consideration. The plans shall include those elements which should be considered in the design of the subdivision or land development. These shall include any features of the Township's future land use plan, thoroughfares plan, community facilities plan, or of any plans of the Township, including but not limited to, proposed streets, recreation areas, drainage reservation, future schools sites and public areas. A specific site analysis shall be provided which highlights man-made and natural features. The analysis should include information pertaining to soil types and stability, wetlands, scenic vistas, water courses, drainage patterns, slope, and transportation patterns and systems including deficiencies of existing roadways, public utilities, recreational facilities, and any other features of the site and nearby areas which may be interlaced or impacted by the proposed development and land use.
- B. **Submission of Pre-Application (Sketch) Plans.** Prospective applicants submitting a pre-application plan for review by the Planning Commission shall include those items listed in Section 401 of this Ordinance. Plans shall be considered for informal review and discussion and shall not constitute formal filing of the plan with the Township. Plans shall be submitted ten (10) days prior to the regularly scheduled monthly meeting of the Planning Commission. All plan submittals shall be accompanied by a completed Appendix 23, and the corresponding fees. The applicant may proceed to the preliminary plan process following the meeting with the Planning Commission. The applicant shall attempt to follow any comments or concerns of the Planning Commission and staff and attempt to address these items in the preliminary plan.

SECTION 303. Formal Application. All applications for approval of a subdivision plan, land development plan, or improvement construction plan shall be made by the developer filing an application form, to be supplied by the Township, together with the appropriate plans, studies, reports, supporting data, and required filing fee, with the Township.

SECTION 304. Acceptance for Filing.

- A. **Initial Application.** The Township shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper

form and contain all information required by this Ordinance. If defective, the application may be returned to the applicant with a statement of rejection, within the seven (7) day period; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision by the Township under this Section to the Board.

- B. Amendments or Corrections to an Application. The Township shall have seven (7) days from the date of submission to examine amended or corrected applications filed to determine whether such amended or corrected application results in a substantial amendment to the plan or in the filing of a plan so changed as to be considered a new plan. If the Township determines that the amended or corrected application constitutes a substantial amendment, he shall so inform the applicant and shall inform the applicant that the Township shall consider the ninety (90) day review procedure to have been restarted as of the date of the filing of the substantial amendment. If the Township determines that the amended or corrected application constitutes a new plan, he shall so inform the applicant and shall inform the applicant that a new application and new fees are required. The applicant may appeal a decision by the Township under this Section to the Board.

SECTION 305. Preliminary Plan Application.

- A. Preliminary Plan Application. With the exceptions noted in Section 308 of this Ordinance, a preliminary plan is required for applications which propose new streets, all land development plans, and subdivision plans of three (3) or more lots. All other plans may be submitted as final plans in accordance with Section 306.
1. Preliminary plans may be filed with the Township on any business day; however, the Planning Commission may review a plan at a particular meeting only if the plan was filed at least fifteen (15) calendar days prior to that meeting.
 2. In addition to submitting the required material in accordance with Section 305(B), the applicant shall file with the Township the required number of copies of plans, supporting information and all filing fees as required by the Township plus documentation that plans have been properly filed with the County Planning Commission.
- B. Application Requirements. All preliminary plan applications shall include the following:
1. Three (3) copies of the preliminary plan. All plans shall be either black on white or blue on white paper prints.
 2. Three (3) copies of all notifications and certifications which are not provided on the preliminary plan.
 3. Three (3) copies of the application form (see Appendix No. 12).
 4. Two (2) copies of a completed fee schedule (see Appendix 23), and the appropriate filing fee and deposit account.
 5. Two (2) copies of all reports required by Section 402.E.

- C. Planning Commission Review Process. At the first meeting of the Planning Commission no action will be taken for most applications. The plan will be considered as a briefing item for general comments and introduction by the Township staff. The Planning Commission may elect to take action on any subdivision or land development if deemed to be in order and all review comments from the Township staff, Township Engineer, and County Planning Commission are available.

The Planning Commission may discuss the preliminary plan application with the developer or his agent at the next regular meeting and will review the application to determine if it meets the standards set forth in this Ordinance. The preliminary plan shall then be submitted by the Planning Commission together with its analysis and recommendations, including those of the Township staff and Engineer to the Board. Generally, the plan will not be forwarded to the Board until it has been recommended for unconditional approval.

- D. Review by the Township Staff.

1. The Township Zoning Officer and any Township personnel as directed by the Board shall review the application documents to determine if they are in compliance with this Ordinance, the Zoning Ordinance, the comprehensive plan, and the Township planning objectives and accepted planning standards. These personnel shall provide comments and recommendations, including written findings when directed by the Board.
2. The Township Engineer shall review the application documents to determine compliance with this Ordinance, the Township Storm Water Management Ordinance, and any other applicable Township Ordinances, Township standards and good engineering practices. He shall prepare a written report of his findings and recommendations.

- E. Board Review Process. All applications for approval of a plan shall be acted upon by the Board. The Board shall render its decision and communicate it to the applicant not later than the greater of the period of time required by the Municipalities Planning Code or ninety (90) days following the date of the regular meeting of the Planning Commission next following the date of application provided, however, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

Plans will be presented by the Township staff at the regular meeting of the Board, following the first presentation of the plan to the Planning Commission. Following complete review of the Planning Commission, including its recommendations, the Board will place the plan on its agenda for review and action.

- F. Notification of Board of Supervisors Action. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision, or such later date as may be required by the Municipalities Planning Code.

1. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
 2. Failure of the Board to render a decision and communicate it to the applicant within the time and in the manner required herein, unless a greater period of time has been authorized by the Municipalities Planning Code, shall be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner or presentation of communication of the decision; in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- G. Compliance with the Board of Supervisors Action. If the Board conditions its preliminary plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the plan to be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, unless the Board grants a waiver by extending the effective time period.
- H. Board of Supervisors Approval and Certification. The Board will acknowledge the satisfactory compliance with all conditions, if any, of the preliminary plan approval at a regularly scheduled public meeting. Additionally, at the option of the applicant, after receipt of preliminary plan approval and compliance with all conditions of approval, a preliminary plan may be presented to the Township for acknowledgement through a formal statement on the plan (See Appendix No. 5).
1. Approval of a preliminary application shall constitute approval of the proposed subdivision and/or land development as to the character and intensity of development and the general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute final plan approval. The preliminary plan may not be recorded in the office of the Recorder of Deeds.

SECTION 306. Final Plan Application.

- A. Prerequisites to Filing Final Plan Application. An application for final plan approval can be submitted only after the following, when required as noted, have been completed:
1. The receipt of an unconditional preliminary plan approval in accordance with Section 305 of this Ordinance, when a preliminary plan approval is required.
 2. The completion of the improvements required by this Ordinance in accordance with the improvement construction plan procedure stated in Section 307 of the Ordinance, when the improvements are not assured by the posting of financial security as provided in Article V of this Ordinance.
- B. Final Plan Applications.
1. Final plans may be filed with the Township on any business day; however, the

Planning Commission will review a plan at a particular meeting only if the plan was filed at least fifteen (15) business days prior to that meeting.

2. In addition to submitting the required material in accordance with Subsection 306 (C) of this Section, the applicant shall file with the Township the required number of copies of plans, supporting information and all filing fees required by the Township plus documentation that plans have been properly filed with the County Planning Commission.
3. The final plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan; provided that each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved preliminary plan.
4. The Board may accept a final plan modified to reflect a change to the site or its surroundings which occurs after the preliminary plan review. The Board shall determine whether a modified final plan will be accepted or whether a new preliminary plan shall be submitted.

C. Application Requirements. All final plan applications shall include the following:

1. Three (3) copies of the final plan. All plans shall be either black on white or blue on white paper prints.
2. Three (3) copies of all notifications and certificates which are not provided on the final plan.
3. Three (3) copies of the application form (see Appendix No. 12).
4. Two (2) copies of a completed fee schedule (see Appendix 23), and the appropriate filing fee and deposit account.
5. Two (2) copies of all reports required in Section 403.E of this Ordinance.
6. In the case of a plan which requires access to a highway under the jurisdiction of the Department of Transportation, two (2) copies of the plans submitted to support the application for Highway Occupancy Permit.

D. Plan Requirements. All final plans shall be prepared in conformance with the provisions of Section 403 of this Ordinance.

E. Township Action.

1. In general, the Planning Commission will schedule the final plan application for action at a regular meeting which is at least fifteen (15) calendar days following the filing of the application by the applicant. The Planning Commission will discuss the final plan application with the developer or his agent at a regular meeting and will review the application to determine if it meets the standards set forth in this Ordinance. The final

plan application shall be submitted by the Planning Commission, together with this analysis and recommendations, to the Board for consideration.

Generally, the plan will not be forwarded to the Board until it has been recommended for unconditional approval.

2. All applications for approval of a plan shall be acted upon by the Board who shall render its decision and communicate it to the applicant not later than the greater of the period of time required by the Municipalities Planning Code or ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.
 3. Final plan approval will be effective for ninety (90) days from the date of the Board's action on the final plan, unless the Board grants a waiver by extending the effective time period of the approval. Within this time period, the applicant must meet all conditions of approval, if any; certify plans as specified in Section 306.H of this Ordinance; and record plans as specified in Section 306.I of this Ordinance.
- F. Notification of Board of Supervisors Action. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision, or such later date as may be required by the Municipalities Planning Code. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon. Failure of the Board to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision; in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- G. Compliance with Board of Supervisors Action. If the Board conditions its final plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the plan to be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, unless the Board grants a waiver by extending the effective time period.
- H. Final Plan Certification. After the Board's approval of the final plan and the required changes, if any, are made, the applicant shall proceed to prepare two (2) sets of final plans which shall be either (a) black ink on tracing cloth or (b) transparent reproductions of the original plan with black line on cloth or stable plastic base film and one (1) set of final plans which shall be a paper copy for the Township's files. The two (2) transparent copies of the final plan shall be certified in the following manner: both final plans shall be presented to the Board for the signature of the Chairman and Vice Chairman or their designees (See Appendix No. 7). Final plans will not be signed by the Board if submitted more than ninety (90) days from the Board's

final approval action unless the Board grants a waiver by extending the effective time period of the approval.

- I. Final Plan Recordation. Upon approval and certification of a final plan, the applicant shall record the plan in the office of the Recorder of Deeds. Should the applicant fail to record the final plan within ninety (90) days of the Board's final plan approval, the Board's action on the plan shall be null and void unless the Board grants a waiver by extending the effective time period of the approval.
 1. The final plan shall be filed with the Recorder of Deeds before proceeding with the sale of lots and proof of such recording provided to the Township.
 2. The final plan shall be filed with the Recorder of Deeds before proceeding with the construction of any improvement except as provided for in Section 307 of this Ordinance.
 3. No subdivision or land development plan may be recorded unless it bears the endorsement of the Board.

- J. Effect of Recording of Final Plan. Recording the final plan, after approval of the Board, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided in Section 403.E.2.e of this Ordinance. However, the approval of the Board shall not impose any duty upon the Commonwealth, County or Township concerning acceptance, maintenance or improvement of any such dedicated areas or portion of same until the proper authorities of the Commonwealth, County or Township actually accept same by ordinance or resolution, or by entry, use or improvement.
 1. The landowner may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such area shall remain with the owner, and neither the Commonwealth, County, Township, nor any applicable authorities shall assume any right to accept ownership of such land or right-of-way.

SECTION 307. Improvement Construction Plan.

- A. Improvement Construction Plan Application. After an applicant has received official notification that the preliminary plan has been approved, an application may be processed for an improvement construction plan.
 1. Improvement construction plans may be filed with the Township on any business day; however, the Board will review a plan at a particular meeting only if the plan was filed at least fifteen (15) calendar days prior to that meeting.
 2. The improvement construction plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan.
 3. The Board may accept an improvement construction plan modified to reflect a change

to the site or its surrounds which occurs after the preliminary plan review. The Board shall determine when a modification will require a revised preliminary plan.

- B. Application Requirements. All improvement construction plan applications shall include the following:
1. Three (3) copies of the improvement construction plan. All plans shall be either black on white or blue on white paper prints.
 2. Three (3) copies of all reports, notifications and certificates which are not provided on the improvement construction plan.
 3. Three (3) copies of the application form (See Appendix No. 13).
 4. Two (2) copies of a completed fee schedule (see Appendix 23), and the appropriate filing fee and deposit account.
- C. Plan Requirements. All improvement construction plans shall be prepared in conformance with the provisions of Section 403 of this Ordinance, with the exception of Sections 403.E.2 (d), (f), and Sections 403.E.1 (c), (e).
- D. Township Action. In general, the Board will schedule the improvement construction plan application for action at its first regular meeting which is at least fifteen (15) calendar days following the filing of the application by the applicant. The Board will discuss the improvement construction plan application with the developer or his agent at its regular meeting and will review the application to determine if it meets the standards set forth in this Ordinance. All applications for approval of a plan shall be acted upon by the Board who shall render its decision and communicate it to the applicant not later than the greater of the period of time authorized by the Municipalities Planning Code or ninety (90) days following the date of the regular meeting of the Board next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.
- E. Notification of the Board of Supervisors Action. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision, or such later date as may be authorized by the Municipalities Planning Code.
1. When the application is not approved in terms filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provision of the Ordinance relied upon.
 2. Failure of the Board to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision; in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

3. If the application is disapproved, the Board will notify the above individuals, in writing, of the defects in the application and will identify the requirements which have not been met, through citing provisions of the statute or Ordinance relied upon.
- F. Compliance with the Board of Supervisors Action. If the Board conditions improvement construction plan approval upon receipt of additional information, changes and/or notification, such data shall be submitted and/or alterations noted on two (2) copies of the plan to be submitted to the Board within ninety (90) days of their conditional approval, unless the Board grants a waiver by extending the effective time period.
- G. Improvement Construction Plan Certificate and Construction Authorization. After the Board's approval of the improvement construction plan and the required changes, if any, are made, the applicant shall proceed to prepare two (2) plans which shall be either (a) black ink on tracing cloth or (b) transparent reproductions of the original plan with black line on cloth or stable plastic base film. These plans shall be certified in the following manner:
1. Both improvement construction plans shall be presented to the Board for the signature of the Chairman and Vice Chairman or their designees (See Appendix No. 6). Improvement construction plans will not be signed by the Township if submitted more than ninety (90) days from the Board's approval action unless the Board grants a waiver by extending the effective time period of the approval.
 2. Approval and certification of an improvement construction plan shall not constitute final plan approval of the proposal, nor shall this plan be recorded with the Recorder of Deeds, but shall, when combined with the necessary municipal and/or Commonwealth approvals and permits, grant the authority to install the improvements required as part of this Ordinance.
 3. Following the Board's certification of the improvement construction plan, one (1) copy of the plan will be retained by the Board and the remaining copy will be available to the firm which prepared the plan.
 4. Improvement construction plan approval will be effective for a five (5) year period from the date of the Board's approval action. Construction must be completed and a final plan application must be submitted within five (5) years of the improvement construction plan approval, or else the plan approval will become null and void unless the Board grants a waiver by extending the effective time period of the approval.
- H. Completion of Improvements. Upon completion of the improvements required by this Ordinance, the applicant may proceed to submit a final plan and application which shall include notice of approval of the improvements by the authority which is to accept the improvement (See Appendix No. 17).

SECTION 308. Plans Exempted from Standard Procedures.

- A. Procedure for Processing Revised Subdivision and/or Land Development Plans. Any replatting or resubdivision of recorded or unrecorded plans, excluding lot grading plans in subdivisions, shall be considered as a new application and shall comply with all requirements

of this Ordinance, except that plans may be changed, provided that in making such changes:

1. No lot or tract of land shall be created that does not meet the minimum design standards required by this Ordinance and existing Township regulations.
2. No structure shall be relocated which does not meet the minimum design standards required by this Ordinance and existing Township regulations.
3. No increase is made in the overall density.
4. The storm water management facilities are not altered in a manner which affects the discharge of storm water to an adjacent property or significantly relocates a major storm water management facility within the project.
5. Street locations and block sizes shall not be changed.
6. The character and land use of the original application shall be maintained.

B. In every case where a plan alteration conforms to the above, the applicant shall:

1. Submit to the Board two (2) black on white or blue on white paper copies of the revised final plan and one application form (See Appendix No. 12). Upon review of the revision, the Board will, in writing, advise the applicant whether or not the revision complies with the above.
2. If the revision complies, the applicant shall prepare two (2) plans, which shall be either (a) black ink on tracing cloth or (b) a transparent reproduction of the original plan with black line on cloth or stable plastic base film, and which shall specifically identify the alteration(s) to the previously recorded plan.
3. The applicant shall then submit the plan to the Board for signature as specified in Section 306.H of this Ordinance (See Appendix No. 7).
4. The plans shall then be recorded as specified in Section 306.I of this Ordinance.

C. In addition to submitting the required material, in accordance with Subsection 308.B of this section, the applicant shall file with the Township the required number of copies of plans, supporting information and all filing fees (see Appendix 23) required by the Township plus documentation that plans have been properly submitted to the County Planning Commission.

D. Preliminary/Final Plans. In case of a subdivision plan of not more than three (3) lots, which does not require provisions for a new street, the applicant may at his discretion concurrently submit preliminary and final plans for action at the Board meeting. All other plans shall be submitted in accordance with Section 305 of this Ordinance. For the purpose of interpreting this Section of the Ordinance, a subdivision of not more than three (3) lots shall not include the remaining tract if the remaining tract can be further subdivided.

E. Procedure for Processing a Lot Add-On. The lease, conveyance, sale, or transfer of land for the sole purpose of increasing the lot size of an adjacent contiguous lot shall comply with the

following lot add-on procedure, provided that the proposal does not alter a subdivision plan of record, create additional lots or result in a nonconformity with the design standards found in Article VI of this Ordinance. In every case where a proposal conforms to the above, the application shall comply with the following procedures:

1. The applicant shall submit to the Township two (2) black on white or blue on white paper copies of a lot add-on plan prepared to the standards specified in Section 404 of this Ordinance and one (1) application form (See Appendix No. 12). In addition to submitting the required material, the applicant shall provide all filing fees (see Appendix 23) required by the Township plus documentation that plans have been properly submitted to the County Planning Commission. Upon review of the revision, the Board will, in writing, advise the applicant whether or not the proposal qualifies as a lot add-on.
2. If the plan qualifies, the applicant shall prepare two (2) plans for recording, which shall be either (a) black ink on tracing cloth or (b) a transparent reproduction of the original plan with black line on cloth or stable plastic base film, and one (1) set of paper copies of the plan for the Board's files. The two (2) transparent copies of the plan shall be certified by the Board (See Appendix No. 8). The applicant shall record the plans with the Recorder of Deeds. These plans shall be filed with the Recorder of Deeds prior to the execution of a deed for the land.

SECTION 309. Procedure for Requesting Consideration of Waiver of Provisions of This Ordinance.

- A. Application Requirements. A request for a waiver may be submitted to the Township at any time. All requests shall be in writing (See Appendix No. 18) and accompanied by a plan prepared at least to the minimum standards of a sketch plan (See Section 401). The written request shall identify:
 1. The specific section of this Ordinance which is requested to be waived.
 2. Provisions proposed as an alternate to the requirements.
 3. Justification for the waiver. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based.
- B. Township Action.
 1. In general, the Planning Commission will schedule a request for a waiver for action at a regular meeting which is at least fifteen (15) calendar days following the filing of the application by the applicant. The Planning Commission will review the request to determine (1) if compliance with the provisions of the Ordinance creates an undue hardship or appears to be unreasonable as it applies to the particular property or (2) if the applicant demonstrates that an alternative proposal will allow for equal or better results, and take such action as it shall deem necessary or advisable in the public interest.
 2. The request for a waiver and accompanying documentation shall be submitted by the Planning Commission, together with its analysis and recommendations, to the Board

for consideration. All applications for approval of a waiver shall be acted upon by the Board who shall render its decision and communicate it to the applicant, in accordance with the requirements of the Municipalities Planning Code.

- C. Notification of Action of Board of Supervisors. After the meeting at which the waiver was reviewed, the Board shall send a written notice of the Board's action to the applicant at his last known address not later than fifteen (15) days following the decision, or such later date as may be authorized by the Municipalities Planning Code. If the Board denies the request, the Board will notify the above individual, in writing, of the justification for denial. If the Board grants the requests, the final plan shall include a note which identifies the specific waiver as granted.

ARTICLE IV

INFORMATION TO BE SHOWN ON OR SUBMITTED WITH SUBDIVISION AND LAND DEVELOPMENT PLANS

SECTION 401. Sketch Plans. The scale and sheet size of sketch plans shall be as required for preliminary plans in Section 402.A.1 and 4. The sketch plan shall show or be accompanied by the following data, legible in every detail and drawn to scale, but not necessarily containing precise dimensions:

- A. Name and address of the developer (if applicable) and landowner.
- B. Name of the individual and/or the firm that prepared the plan.
- C. Location map with sufficient information to enable the Board to locate the property.
- D. North arrow.
- E. Written and graphic scales.
- F. Existing tract boundaries accurately labeled with the name(s) of adjacent landowner(s) and adjacent plan(s) of record.
- G. Name of the municipality or municipalities in which the project is located, including the location of any municipal boundaries if located within the vicinity of the tract.
- H. Significant topographical and man-made features [e.g. bodies of water, quarries, floodplains, tree masses, structures, and suspected wetlands (as determined from the Lancaster County Soil Survey or DER)].
- I. Location and width of all proposed streets, alleys, street names, and approximate grade, rights-of-way and easements; proposed lot lines with approximate dimensions; proposed minimum building lines for each street; playgrounds; public buildings; public areas; historical sites; and parcels of land proposed to be dedicated or reserved for public use.
- J. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.
- K. Statement explaining the methods of water supply and sewage disposal to be used.

SECTION 402. Preliminary Plans. Preliminary subdivision plans and/or land development plans shall be prepared by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The preliminary plan shall show, be accompanied by, or be prepared in accordance with the following:

A. Drafting Standards.

1. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, or 50 feet to the inch.
2. Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction.
3. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
4. The sheet size shall be no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5).
5. Plans shall be legible in every detail.

B. Location and Identification.

1. The proposed project name or identifying title.
2. Name of the municipality or municipalities in which the project is located, including the location of any municipal boundaries if located within the vicinity of the tract.
3. The name and address of the owner of the tract (or his authorized agent), the developer/subdivider, and the firm that prepared the plans.
4. The file or project number assigned by the firm that prepared the plan, the plan date and the date(s) of all plan revisions.
5. A north arrow, graphic scale and written scale.
6. The entire existing tract boundary with bearing and distances. (If it is the intention of the landowner to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed-plotting and may be drawn at any legible scale; if the retained lot has a lot area of ten (10) or less acres, it must be described to the accuracy of the requirements of this Ordinance). In the case of lot add-on plans, the boundary of the receiving tract shall also be identified as a deed plotting and may be drawn at any legible scale.
7. The total acreage of the entire existing tract.

8. The location of existing lot line markers along the perimeter of the entire existing tract.
9. The district, lot size and/or density requirements of the Township Zoning Ordinance.
10. A location map, drawn to scale, relating the subdivision or land development to at least two (2) intersections of street centerlines, including the approximate distance to the intersection of centerlines of the nearest improved street intersection.
11. Source of title, deed, book, page, plan book (if applicable), and tax map number.

C. Existing Features.

1. Existing contours shall be shown at a minimum vertical interval of one (1) foot for land with average natural slope of three (3) percent or less, two (2) feet for land with average natural slope between three (3) percent and twenty (20) percent, and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contour interval may be adjusted based upon horizontal scale with concurrence of the Township Engineer. Contours shall be accompanied by the location of the bench mark and a notation indicating the datum used. The datum used by the Authority shall be used in all plans indicating connection to the Authority's public sewer system or public water system. Contours plotted by interpolation of the United States Geodetic Survey 7.5' mapping will not be accepted.
2. The names of all adjacent landowners; both adjoining and across existing rights-of-way along with the plan book record numbers of all previously recorded plans for adjacent properties.
3. The following items when located within two hundred (200) feet of the subject tract:
 - a. The location and name of existing rights-of-way and cartways for private or public streets, alleys and driveways.
 - b. The location of the following features and any related right-of-way: sanitary sewer mains, water supply mains, fire hydrants, buildings, and storm water collection, conveyance and management facilities.
 - c. The location of existing rights-of-way and easements for electric, gas and oil transmission lines, and railroads.
 - d. Significant environmental or topographic features such as floodplains, wetlands, quarry sites, solid waste disposal areas, historic structures, cemetery or burial sites, archaeological sites, highly erosive soils, or wooded areas.
4. The following items when located within the subject tract:
 - a. The location, name and dimensions of existing rights-of-way and cartways for streets, alleys and driveways.

- b. The location and size of the following features and related rights-of-way: sanitary sewer mains, water supply mains, fire hydrants, buildings, and storm water management facilities.
- c. The location of existing rights-of-way for electric, gas and oil transmission lines, and railroads.
- d. The size, capacity and condition of the existing storm water management system and any other facility that may be used to convey storm flows.
- e. The location and size of existing on-lot sewage systems and wells.
- f. Significant environmental or topographic features such as floodplains, quarry sites, solid waste disposal areas, historic structures, cemetery or burial sites, archaeological sites, highly erosive soils, or wooded areas.
- g. The location of wetlands and subsequent data or information required by Section 407 of this Ordinance.

D. Plan Information.

- 1. The layout of streets, alleys and sidewalks, including cartway and right-of-way widths.
- 2. The layout of lots with approximate dimensions.
- 3. Block and lot numbers in consecutive order (e.g. Block "A", Lots 1 through 10; Block "B", Lots 11 through 22).
- 4. The location and configuration of proposed buildings, parking compounds, streets, alleys, driveways, common open space, recreational areas, and all other significant planned facilities.
- 5. Total number of lots, units of occupancy, density, and proposed land use. If a multiple land use is proposed, the location of each land use shall be indicated. In the case of lands wholly or partially located within the Agricultural Zoning District, lines of all lots, parcels or tracts included within the subdivision (including those not presently owned by the subdivider, but on April 7, 1981, owned by the same landowner as the tract being subdivided), shall be indicated.
- 6. Easements and rights-of-way.
- 7. Building setback line and building envelope.
- 8. Identification of buildings to be demolished.
- 9. Typical street cross-section for each proposed public or private street and typical cross-section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way width.

10. Street centerline profile for each proposed public or private street shown on the preliminary plan including corresponding centerline stationing.
11. The preliminary design of the proposed sanitary sewer mains and water supply mains and facilities. This information shall include the approximate size, vertical location and horizontal location, if applicable.
12. Storm water management data and plans designed in accordance with the Township Storm Water Management Ordinance. This information may be provided on a sheet with other data or on separate sheets and need not necessarily be recorded with the final plan. In the case of any dispute in the methodology used in the design of any storm water management plan and/or in the presentation of such information, the Board shall make the final determination on the design criteria, methodology and form of presentation.
13. A statement on the plan indicating any zoning amendment, special exception or variance, if applicable.
14. A statement on the plan indicating any existing or proposed waivers granted by the Board.
15. Proposed street names.
16. A table indicating the existing zoning district, total tract area, required lot size, required setbacks, required maximum and/or minimum development density, maximum building height and number of lots in the proposed subdivision along with the proposals for each of these parameters.
17. Where the proposed subdivision or land development is located partially or wholly within an area prone to frequent flooding (either by impoundment or conveyance) as indicated by the flood insurance rate map profiles and supporting data, soil type or local historical record; the developer shall supply the location and elevation of all proposed roads, fills, utilities, buildings, storm water management, and erosion control facilities;
18. Location of all percolation test holes, deep probe holes and proposed well locations.
19. Easements for the on-lot sewage replacement locations.
20. Clear sight triangles and stopping sight distances for all intersections as described in Section 602.E of this Ordinance shall be shown on the plan.
21. The location of all trees and/or woodlands on the site and location of trees and/or woodland to be removed and trees and/or woodlands to remain.
22. Where the preliminary plan covers only a part of an intended larger development, a sketch plan of the future development, in a form suitable to the execution of the feasibility report on sewer and water facilities for the unsubmitted part shall be

furnished. The street system of the plan under consideration may be subject to review, and the submitted part will be considered in light of adjustments and connections with future streets in the part not submitted.

23. In case of a preliminary plan calling for the installation of improvements beyond a five (5) year period, a schedule delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed shall be provided. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan.
24. Where a proposed subdivision is located in the Agricultural Zoning District, either in whole or part, a deed plotting of the parent tract as it existed on or before April 7, 1981 shall be provided. Any parcels subdivided from the parent tract including the date of subdivision shall also be provided.

E. Certificates, Notifications and Reports.

1. Certificates

- a. Certificate for approval by the Board with space for the signatures of two members (See Appendix No. 5).
- b. Certificate, signature and seal of the surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey is correct (See Appendix No. 2).
- c. Certificate, signature and seal of a professional registered in the Commonwealth of Pennsylvania and qualified to perform such duties, to the effect that the plan is correct (See Appendix No. 1).
- d. Certificate, signature and seal of a professional registered in the Commonwealth of Pennsylvania and qualified to perform such duties, indicating compliance with the provisions of the Township Storm Water Management Ordinance (See Appendix No. 3).

2. Notifications.

- a. Where the tract described in the application includes any public utility, electric transmission line, gas pipeline, or petroleum product transmission line located within the tract, the applicant or lessee of such right-of-way shall notify the owner of the right-of-way of his intentions. A note stating any conditions regarding the use of the land, minimum building setback or right-of-way lines shall be included on the plan. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- b. Where the land included in the subject application has an agricultural, woodland or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land. This requirement may

also be satisfied by submitting a copy of the recorded easement.

3. Reports.
 - a. A hydrologic report as required by the Township Storm Water Management Ordinance.
 - b. Water and sewer feasibility report as described in Section 405 of this Ordinance.
 - c. A traffic evaluation report as described in Section 406 of this Ordinance.
 - d. A wetland report as described in Section 407 of this Ordinance.
- F. Filing Fee. The preliminary plan shall be accompanied by a check or money order drawn to the order of the Township in an amount specified on the fee schedule adopted by the Board (see Appendix 23).

SECTION 403. Final Plans. Final subdivision and/or final land development plans shall be prepared by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The final plan shall be accompanied by, or prepared in accordance with the following:

- A. Drafting Standards. The same standards shall be required for a final plan as specified for a preliminary plan in Section 402.A of this Ordinance with the exception that all sheets to be recorded by the Recorder of Deeds shall be twenty-four by thirty-six (24 x 36) inches. The plan shall be clearly and legibly drawn to a scale of 10 feet, 20 feet, 30 feet, 40 feet, or 50 feet to the inch.
- B. Location and Identification. The same standards shall be required for a final plan as specified for a preliminary plan in Section 402.B of this Ordinance.
- C. Existing Features. The same standards shall be required for a final plan as specified for a preliminary plan in Section 402.C of this Ordinance.
- D. Plan Information.
 1. Complete description of the centerline and right-of-way line for all new streets, whether public or private, and alleys. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.
 2. Lot lines with accurate bearings and distances and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearings, and distances. Along existing street rights-of-way the description may utilize the existing deed lines or street centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines.
 3. Block and lot numbers in consecutive order (e.g. Block "A", Lots 1 through 10; Block "B" Lots 11 through 22).

4. The location and configuration of proposed buildings, parking compounds, streets, alleys, driveways, recreational areas, and all other significant planned facilities shall be shown.
5. Total number of lots, units of occupancy, density, and proposed land use. If a multiple land use is proposed, the location of each land use shall be indicated. In the case of lands wholly or partially located within the Agricultural Zoning District, lines of all lots, parcels or tracts included within the subdivision (including those not presently owned by the subdivider, but on April 7, 1981, owned by the same landowner as the tract being subdivided), shall be indicated.
6. Easements and rights-of-way.
7. Building setback line and building envelope.
8. Identification of buildings to be demolished.
9. Typical street cross-section for proposed public or private streets and alleys and a typical cross-section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way width.
10. Final vertical and horizontal alignment for proposed public or private streets and alleys, sanitary sewer, and water distribution systems. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material. This information may be provided on separate sheets and is not subject to recording with the final plans.
11. Final street names.
12. Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot markers are set or indicating when they will be set.
13. A detailed grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording with the final plans.
14. Identification of any lands to be dedicated or reserved for public, semi-public or community use.
15. A table indicating the existing zoning district, total tract area, required lot size, required setbacks, required maximum and/or minimum development density, maximum building height, and number of lots in the proposed subdivision along with the proposals for each of these parameters.
16. Where the proposed subdivision or land development is located partially or wholly within an area prone to frequent flooding (either by impoundment or conveyance) as indicated by the flood insurance rate map (profiles), soil type or local historical record;

the applicant shall supply the location and elevation of all proposed roads, fills, utilities, buildings, storm water management, and erosion control facilities.

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

"A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the 'State Highway Law', before access to a state highway is permitted. Access to the state highway shall be as authorized by a Highway Occupancy Permit, and the Board of Supervisors' approval of this plan in no way implies that such a permit can be acquired."
18. A statement on the plan indicating the granting of zoning amendment, special exception or variance, if applicable, along with waivers granted by the Board to sections of this Ordinance.
19. Storm water management data and plans designed in accordance with the Township Storm Water Ordinance. This information may be provided on a sheet with other data or on separate sheets and need not necessarily be recorded with the final plan. In the case of any dispute in the methodology used in the design of any storm water management plan and/or in the presentation of such information, the Board shall make the final determination on the design criteria, methodology and form of presentation.
20. Location of all percolation test holes, deep probe holes, and proposed well locations.
21. All final plans proposing residential development or residential uses within or adjoining the Agricultural Zoning District or agricultural uses must contain in conspicuous form the following language: "WARNING: The property described herein is located within an area where land is used for agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal accepted agricultural practices and operations, including but not limited to, noise, odors, dust, operation of machinery of any kind including aircraft, storage and disposal of manure, and application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982 'The Right to Farm Law' may bar them from obtaining a legal judgement against such normal agricultural operations." A copy of the final plan shall be issued to the purchaser of each lot within the subject subdivision. The note shall be included on all deeds of the subject subdivision.
22. A complete landscape plan, prepared by a landscape architect, showing the location, size and type of all plant material required by provisions of this Ordinance or any other applicable Township regulations, including but not limited to, screening, buffer planting, parking landscaping, replacement trees, and street trees. The landscape plan should be provided on separate sheets and must include the signature and seal of the registered landscape architect responsible for preparation of the plan.

23. Easements for the on-lot sewage replacement locations.
24. Clear sight triangles and stopping sight distances for all intersections as described in Section 602.E of this Ordinance shall be shown on the plan.
25. The location of all trees and/or woodlands on the site and location of trees and/or woodlands to be removed and trees and/or woodlands to remain.
26. Where a proposed subdivision is located in the Agricultural Zoning District, either in whole or part, a deed plotting of the parent tract as it existed on or before April 7, 1981 shall be provided. Any parcels subdivided from the parent tract, including the date of subdivision shall also be provided.
27. A detailed schedule of inspections, as generally outlined by Section 504 of this Ordinance, which is tailored for the site under consideration.

E. Certificates, Notifications and Reports.

1. Certificates

- a. Certificate, signature and seal of a professional registered in the Commonwealth of Pennsylvania and qualified to perform such duties, to the effect that the plan is correct (See Appendix No. 1).
- b. Certificate, signature and seal of the surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey is correct. (See Appendix No. 2).
- c. Certificate, signature and seal of a professional registered in the Commonwealth of Pennsylvania and qualified to perform such duties, indicating compliance with the provisions of the Township Storm Water Management Ordinance (See Appendix No. 3).
- d. Certificate of review by the Planning Commission (See Appendix No. 9).
- e. Certificate for approval by the Board with space for signatures by two (2) members of the Board. (See Appendix No. 7)
- f. A statement duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner, certifying that the subdivision or land development shown on the plan is the act and the deed of the owner; that all those signing are all the owners of the property shown on the survey and plan; that they desire the same to be recorded as such, and that all streets and other property identified as proposed public property are dedicated for public use. (See Appendix No. 4). This must be dated following the last change or revision to said plan.
- g. Certification of review by the County Planning Commission (See Appendix No. 10).

- h. A certificate to accommodate the Recorder of Deeds information (See Appendix No. 11).

2. Notifications.

- a. Notification from DER that approval of the sewer facility plan revision (plan revision module for land development) or supplement has been granted or notice from DER that such approval is not required.
- b. Where the tract described in the subject application includes any public utility, electric transmission line, gas pipeline, or petroleum product transmission line located within the tract, the applicant or lessee of such right-of-way shall notify the owner of the right-of-way of his intentions. A note stating any condition regarding the use of the land, minimum building setback or right-of-way lines shall be included on the plan. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- c. Where the land included in the subject application has an agricultural, woodland or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land. This requirement may also be satisfied by submitting a copy of the recorded easement.
- d. Notice from the postmaster of the postal district in which the tract is located and the emergency service providers in the Township stating that the proposed private and/or public street names are acceptable.
- e. A note placed on the plan indicating any area that is not to be offered for dedication, if applicable.
- f. Written notice from the Township Engineer and the appropriate Authority Engineer that all proposed improvements have been designed to the standards of the Township and/or the Authority and that financial guarantees in a form suitable to the Board of Supervisors and the appropriate Authority have been received. (See Appendices No. 15 and 17 and Article V).

When the applicant posts financial guarantee in lieu of completion of the improvements, the Final Plan shall be accompanied by a completed improvement guarantee agreement. General examples of these agreements are provided in Appendix No. 24.

- g. Such written notices of approval as required by this Ordinance, including written notices approving the water supply systems, sanitary sewage systems and storm water runoff to adjacent properties.
- h. The submission of a controlling agreement in accordance with Section 602.H when an application proposes to establish a street which is not offered for dedication to public use.

- i. Notification from the appropriate state and federal agencies that permits have been issued, or are not required, for any proposed activities within streams, wetlands or any other state or federally regulated body of water. These permits include, but are not limited to, Floodplain Encroachment Permits, Dam Safety Permits, Earth Disturbance Permits, Stream Encroachment Permits, and General Permits.

When the final plan is submitted in sections, the above notifications for all applicable activities on the entire site, shown on the approved preliminary plan shall be provided upon submittal of the first final phase of the project.

3. Reports.

- a. A final hydrologic report as required by the Township Storm Water Management Ordinance.
- b. A traffic evaluation report as described in Section 406 of this Ordinance.
- c. A wetland report as described in Section 407 of this Ordinance.

F. Filing Fee. The final plan shall be accompanied by a check or money order drawn to the order of the Township in an amount specified on the fee schedule adopted by the Board (see Appendix 23).

SECTION 404. Lot Add-On Plans. Lot add-on plans shall be prepared by a qualified person and shall include the following information:

- A. Drafting Standards. The same standards shall be required for a lot add-on plan as specified for a preliminary plan in Section 402.A of this Ordinance with the exception that all sheets to be recorded in the Recorder of Deeds Office shall be no larger than twenty-four by thirty-six (24 x 36) inches.
- B. Location and Identification. The same standards shall be required for a lot add-on plan as specified for a preliminary plan in Section 402.B of this Ordinance.
- C. Existing Features. The same standards shall be required for a lot add-on plan as specified for a preliminary plan in Section 402.C of this Ordinance.
- D. Plan Information. The same standards shall be required for a lot add-on plan as specified for a final plan in Section 403.D of this Ordinance.
- E. Certificates.
 1. Certificate, signature and seal of a surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey is correct (See Appendix 2).
 2. Certificate for approval by the Board (See Appendix No. 8).

3. A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such (See Appendix No. 4).
 4. Certification of review by the County Planning Commission (See Appendix No. 10).
 5. A certificate to accommodate the Recorder of Deeds information (See Appendix No. 11).
- F. Filing Fee. The plan shall also be accompanied by a check or money order drawn to the Township in an amount specified on the fee schedule adopted by the Board (see Appendix 23).

SECTION 405. Feasibility Report on Sewer and Water Facilities.

- A. The applicant shall submit a feasibility report in duplicate concerning the availability of a public sewer and public water system in or near the proposed subdivision or land development. Said report shall be prepared by a registered professional engineer and be submitted in conjunction with the preliminary plan for review and recommendations by the local office of DER.

The feasibility report is not required for residential subdivisions of ten (10) lots or less, including remaining lands; and commercial or industrial land development plans which propose flows less than four hundred (400) gallons per day.

- B. The feasibility report shall examine possible connection to the existing public sewer systems and public water systems. Information included in the report shall be as follows:
1. Sewer.
 - a. Information shall be shown depicting possible connections to the existing public sewer system within three thousand (3000) feet of the proposed subdivision or land development, and a determination of whether the site is in an existing or planned sewer service area.
 - b. If there are no connections available within three thousand (3000) feet of the proposed subdivision or land development, the distance from the project to the nearest point in the public sewer system shall be shown.
 - c. Certification from the public sewer utility provider that capacity exists to accommodate the needs of the proposed subdivision or land development if connection to the public sewer system is proposed.
 2. Water.
 - a. Information shall be shown depicting possible connections to the existing

public water system within three thousand (3000) feet of the proposed subdivision or land development, and a determination of whether the site is in an existing or planned water service area.

- b. If there are no connection points available within three thousand (3000) feet of the proposed subdivision or land development, the distance from the project to the nearest point in the public water system shall be shown.
- c. An analysis of the capacity of that public water system to supply the water needs of the subdivision or land development. The capacity of such public water system will be deemed adequate only if it is determined to be able to supply three hundred fifty (350) gallons per dwelling unit per day.
- d. Certification from the public water system provider that capacity exists to accommodate the needs of the proposed subdivision or land development.

C. As a part of the feasibility study, the applicant shall state the type of sewage disposal desired for each of the proposed lots. If other than connection to a public sewer system or the installation of a conventional on-site sewage disposal system is intended on any of the lots, that fact shall be indicated on the plan itself.

- 1. The Board will approve on-lot sewage disposal systems only when the Township Sewage Enforcement Officer and/or a sanitarian of DER shall certify that both an initial location and a replacement location for the on-lot sewage disposal system are present on each lot.
 - a. The replacement location shall be of a size and capacity to allow complete abandonment of the initial system in the event of failure.
 - b. The replacement location shall be protected from traffic and no filling nor excavation shall be allowed within its boundary.
 - c. The standards for installation of the replacement system shall be as required by DER at the time of its construction.
- 2. Subdivisions proposing a lot or lots utilizing alternate on-site sewage disposal systems will not be approved by the Board unless:
 - a. The Township Sewage Enforcement Officer and/or a sanitarian of DER certifies that a proposed sewage disposal site cannot reasonably be located so as to enable the lot to utilize a conventional on-site sewage disposal system; and
 - b. The lot itself cannot reasonably be redesigned or relocated consistent with the Township Zoning Ordinance and other Township regulations so as to enable utilization of a conventional on-site sewage disposal system.
- 3. As a part of the feasibility study, there shall be included the results of the probe hole analyses and soil absorption tests on each of the lots as proposed in the subdivision.

These probe hole analyses and soil absorption tests shall be certified as accurate by the Township Sewage Enforcement Officer.

4. If connection to an existing public sewer system is proposed the subdivider or developer shall so state.
- D. If connection to an existing public water system is proposed, the subdivider or developer shall submit an agreement committing the public water system to provide such water as will be utilized by the subdivision or land development for such period of time and under such terms and conditions as the public water system provides water service elsewhere in its service area.
- E. If the water supply system proposed involves the utilization of water obtained from the tract being subdivided or developed (irrespective of whether that water is being distributed as a part of a community water supply system), that water supply source may be utilized only when the feasibility study establishes and the engineer performing the study certifies that:
1. The ground water recharge on the tract in question after development will exceed the anticipated water usage figures under the following DER standards:
 - a. A population of 3.5 persons per dwelling unit shall be assumed for residential units.
 - b. An average daily usage of one hundred (100) gallons per person per day is to be used where residential use is contemplated.
 - c. Groundwater supply will exceed projected water usage quantities where industrial, agricultural or commercial use is contemplated.
 2. The study is approved by the Township Engineer.
- F. When industrial, agricultural or commercial use is intended, the applicant shall, in the feasibility study, set forth the proposed nature of the use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township or Authority.
- G. In all cases the applicant shall demonstrate that the water to be supplied shall be potable and shall meet all applicable standards of DER or the United States Environmental Protection Agency.
- H. If community sewer and/or water systems are proposed, these systems shall be in compliance with the above requirements as well as the regulations of DER and the Authority.

SECTION 406. Traffic Evaluation Study. All residential developments or subdivisions containing twenty (20) or more dwelling units or residential lots and all non-residential developments (with the exception of agricultural development) with buildings containing in excess of ten thousand (10,000) square feet of usable space shall provide studies and reports in accordance with the requirements of this Section. All applicants with developments which do not meet the above stated criteria shall submit the information required in Section 406.B.4.

- A. The applicant is responsible for assessing the traffic impacts associated with a proposed development which meets any condition set forth above. The Township will review the applicant's assessment and supply available data upon request to aid the applicant in preparing the study. The applicant shall be responsible for all data collection efforts required in preparing a traffic impact study including peak period turning movement counts. In addition, the applicant is responsible for ensuring that any submitted development plans meet the minimum state and local standards for geometric design. The study shall be conducted only by a professional engineer that has verifiable experience in traffic engineering. Upon submission of a draft study, the Township may review the data sources, methods and findings and provide comments in written form. The applicant will then have the opportunity to incorporate necessary revisions prior to submitting a final study.
- B. **Traffic Impact Study Contents.** A traffic impact study prepared for a specific site development proposal shall follow the basic format shown below. Additions or modifications should be made for a specific site, when appropriate. This basic format allows for a comprehensive understanding of the existing site, future conditions without the proposed use and the impacts associated with the proposed development plan. Following is a brief narrative for each section of a traffic impact study.
 1. **Introduction.** This section identifies the land use and transportation setting for the site and its surrounding area.
 - a. **Site and study area boundaries.** A brief description of the size of the land parcel, general terrain features, legal right-of-way lines of the highway, and the location within the jurisdiction and the region should be included in this section. In addition, the roadways that afford access to the site and are included in the study area should be identified. The exact limits of the study area should be based on engineering judgment and an understanding of existing traffic conditions at the site. In all instances, however, the study limits must be mutually agreed upon by the developer, its engineer and the Township.
 - b. **Site description.** This section should contain a brief narrative which describes the proposed development in terms of its function, size and near and long term growth potential. This description should be supplemented by a sketch which clearly shows the proposed development within the site boundaries, its internal traffic circulation pattern and the location and orientation of its proposed access points.
 - c. **Existing and proposed site uses.** The existing and proposed uses of the site should be identified in terms of the various zoning categories in the jurisdiction. In addition, identify the specific use on which the request is made

since a number of uses may be permitted under the existing ordinances.

- d. Existing and proposed nearby uses. Include a complete description of the existing land uses in the vicinity of the site as well as their current zoning. The applicant should also state the proposed uses for adjacent land, if known. This latter item is especially important where large tracts of underdeveloped land are in the vicinity of the site and within the prescribed study area.
 - e. Existing and proposed roadways and intersections. Within the study area, describe existing roadways and intersections (geometrics and traffic signal control) as well as improvements contemplated by government agencies.
2. Analysis of Existing Conditions. This section describes the results of the volume/capacity analysis to be completed for the roadways and intersections in the vicinity of the site under existing conditions as well as any data collection efforts that are required.
- a. Daily and peak hour(s) traffic volumes. Provide schematic diagrams depicting daily and peak hour(s) traffic volumes for roadways within the study area. Turning movement and mainline volumes are to be presented for the three (3) peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. Include the source and/or method of computation for all traffic volumes.
 - b. Volume/capacity analyses at critical points. Utilizing techniques described in the Highway Capacity Manual or derivative nomographs, include an assessment of the relative balance between roadway volumes and capacity. Perform the analysis for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
 - c. Level of service at critical points. Based on the results obtained in the previous section, levels of service (A through F) are to be computed and presented. This section should also include a description of typical operating conditions at each level of service.
3. Analysis of Future Conditions Without Development. This section describes the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed zoning or subdivision request. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development.
- a. Daily and peak hour(s) traffic volume. Clearly indicate the method and assumptions used to forecast future traffic volumes in order that the Township can duplicate these calculations. The schematic diagrams depicting future traffic volumes will be similar to those described in Section 2.a. in terms of locations and times (daily and peak hours).
 - b. Volume/capacity analyses at critical locations. Describe the ability of the existing roadway system to accommodate future traffic (without site

development). If roadway improvements or modifications are committed for implementation, present the volume/capacity analysis for these conditions.

- c. Levels of service at critical points. Based on the results obtained in the previous section, determine levels of service (A through F).
4. Trip Generation. Identify the amount of traffic generated by the site for daily and the three (3) peak conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township.
5. Trip Distribution. Identify the direction of approach for site generated traffic for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that the Township can replicate these results.
6. Traffic Assignment. Describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes should then be combined with anticipated traffic volumes from Section 3 to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.
7. Analysis of Future Conditions With Development. This section describes the adequacy of the roadway system to accommodate future traffic with development of the site.
 - a. Daily and peak hour(s) traffic volumes. Provide mainline and turning movement volumes for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.
 - b. Volume/capacity analyses at critical points. Perform a volume/capacity analysis for the appropriate peak hours for future conditions with the site developed as proposed, similar to Sections 2.b. and 3.b.
 - c. Levels of service at critical points. As a result of the volume/capacity analysis, compute and describe the level of service on the study area roadway system.
 - d. Final design must address both traffic flow and traffic safety considerations to provide safe operational characteristics.
8. Recommended Improvements. In the event that the analysis indicates unsatisfactory levels of service will occur on study area roadways, a description of proposed improvements to remedy deficiencies should be included in this section. These proposals would not include committed projects by the state and local jurisdictions which were described in Section 1 and reflected in the analysis contained in Sections 2 and 3.
 - a. Proposed recommended improvements. Describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements are preliminary cost estimates, sources of funding, timing, and likelihood of implementation.

- b. Volume/capacity analyses at critical points. Another iteration of the volume/capacity analysis will be described which demonstrates the anticipated results of making these improvements.
 - c. Levels of service at critical points. As a result of the revised volume/capacity analysis presented in the previous section, present levels of service for the highway system with improvements.
9. Conclusion. The last section of the report should be a clear concise description of the study findings. This concluding section should serve as an executive summary.
- C. Contribution in Lieu of Preparation of Studies. If an applicant believes that the preparation of traffic study and report required herein is not warranted, he may request the Board to waive the preparation of such study.
1. The applicant for approval of any commercial, industrial or institutional subdivision or land development shall provide the Township with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.
 2. The contribution in lieu of preparation of studies provided for herein shall be in addition to all charges imposed by any Authority for tapping and connection fees and shall be in addition to all other review, inspection and other fees or charges imposed by the Township and/or any Authority, and all sums otherwise agreed to be paid by the applicant.
 3. The applicant shall enter into an agreement with the Township setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Township. All such agreements shall be in a form satisfactory to the Township Solicitor.
 4. All contributions in lieu of preparations of fees shall be paid prior to approval of the final plan by the Township Supervisors.
 5. All developments receiving a waiver of preparation of a traffic evaluation study in accordance with this section shall provide, as a minimum, the information required in Section 406.B.4.

SECTION 407. Wetlands Study.

- A. The applicant shall submit a wetland study in duplicate with the submittal of all subdivision and land development plans. The purpose of the study shall be to determine the presence and extent of wetlands on the site.
- B. The study shall be performed by a qualified wetland scientist. Qualified individuals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology, or environmental sciences. In general, other professionals, such as engineers, landscape

architects, surveyors, planners, and geologist are not considered fully qualified to perform wetland delineations, unless they possess special ecological training and experience beyond their discipline. The Township reserves the right, in as much as no recognized certification program exists for wetland scientists, to determine the qualification of those preparing wetland delineations. Should a state or federal wetland scientist certification program be established, the Township will consider only those certified individuals qualified to perform delineations.

C. Requirements for Wetland Studies:

1. Delineations should follow the procedures outlined in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and any subsequent amendments.
2. Delineations shall be supported by reports. The report shall contain the following sections:
 - a. Introduction. Description of the physical features of the site, its location and the proposed plans for the site.
 - b. Methods. Description of the methods used for the survey, with particular emphasis on any deviation from the outlined federal method. Relevant information includes the date of the field studies, the number of transects and plots used, the size of vegetation quadrats employed, the size of soil pits used, taxonomic references used, and the disposition of any voucher specimens.
 - c. Results and Discussion. Description of the findings of the study. Soils, vegetation and hydrology for wetland and upland areas of the site should be discussed. Any problem areas should be thoroughly treated.
 - d. Conclusions. The extent of wetlands on the site should be discussed. The impact of the proposed project on these wetlands should also be considered.
3. Included in the report as appendices or tables should be:
 - a. Site location map (USGS 7.5' quadrangle will suffice).
 - b. NWI map.
 - c. Soil survey map with soil descriptions.
 - d. Data sheets for each plot.
 - e. Wetland boundary map. Wetland boundaries shall be surveyed by a registered professional surveyor and shown on a plan of appropriate scale. The limits of the wetland study shall be clearly shown. The plan shall also show the location of all plots and/or transects used in the study, the date of the delineation, a statement of the method used for the study, the name of the consulting firm which performed the delineation, the name of the surveyor, and a disclaimer statement indicating no wetland boundary is considered jurisdictional until

approved by DER and COE.

- f. Color photos of wetlands areas on the site, with locations and directions of view keyed to the wetland boundary map.
 - g. Resumes of the wetland scientist(s) who performed the delineation.
- D. For sites on which no wetlands occur, an abbreviated report may be submitted. The abbreviated report should contain the introductory material, the methods section and a discussion of the result of the study. Site location, NWI and soil maps should also be provided.
- E. All subdivision plans shall contain notes for future lot owners. The wetland boundary on each lot will be clearly marked. Each lot which contains wetlands, or to which access may be restricted by wetlands, shall have a note which states state and federal laws require permits for all activities which result in a deposition of fill into delineated wetlands. The note shall also state that refusal of such a permit may restrict some uses of all or portions of the lot.
- F. Compensatory mitigation projects required as part of state or federal permits shall be shown on the subdivision plans. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property which includes the mitigation area may not be altered, and is considered a jurisdictional wetland by the state and federal governments. Lot owners may be responsible for maintenance of mitigation areas. In order to help ensure the long-term viability of wetland mitigation efforts, the Township discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowners association is encouraged. Owners of the wetland mitigation areas must be clearly identified to the Township.
- G. The Township reserves the right to reject any submitted wetland delineations. Should the Township feel the actual wetland area differs from that shown on the subdivision plan, the Township has the right to secure, at the developer's expense, qualified personnel to check the delineation and redraw the boundary as necessary. Should the developer subsequently disagree with the Township's delineation, a jurisdictional delineation by DER and COE will be requested. Any charges for the jurisdictional delineation will be the responsibility of the developer.
- H. Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced off to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of five (5) feet outside the delineated boundary, prior to any construction or issuance of building permits. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

ARTICLE V

IMPROVEMENT CONSTRUCTION ASSURANCES

SECTION 501. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plan Approval.

- A. No plan shall be finally approved unless the streets shown on such plan have been improved as may be required by this Ordinance, and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains, storm water management facilities, or other improvements as may be required by this Ordinance have been installed in accordance with this Ordinance, except that the surface course of streets shall not be completed until such time as ninety (90) percent of the lots in the subdivision or land development have been improved by the construction of a dwelling if approved for residential development or by the construction of the proposed commercial or industrial structures if the lots are approved for such uses. In lieu of completion of the surface course of streets as well as in lieu of completion of other improvements required as a condition for final plan approval of a plan, at the discretion of the developer, such developer may deposit with the Township and/or the Authority, as applicable, a letter of credit, or other financial security authorized by the Municipalities Planning Code and acceptable to the Board and/or the Authority in an amount equal to one hundred ten (110) percent of the estimated cost of the required improvements at a time ninety (90) days following the date scheduled for completion of the respective improvements by the developer. The estimated cost of the surface course shall be computed separately from the estimated cost of completing the other improvements and shall be based upon the developer's projected timetable for completion of the development.
- B. The amount of financial security required by the Township shall be based upon an estimate of the cost of the improvements, submitted by a developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the developer.
- C. Annually the Township and/or the Authority may adjust the amount of required financial security by redetermining the estimated cost for completion of the uncompleted improvements as of the expiration of the ninetieth (90th) day after either date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to insure that the financial security equals one hundred ten (110) percent of the estimated cost of the Township and/or the Authority completing the improvements at a time ninety (90) days following the date scheduled for completion or alternatively reduce the required security so that it equals such amount. Any additional security shall be posted by the developer within thirty (30) days after being notified of the same. The amount of financial security required by the Authority shall

be computed in accordance with the Authority's rules and regulations.

- D. As the work of installing the required improvements proceeds, the party posting the financial security may request the Township to release or authorize the release from time to time, such portions of the financial security necessary for the payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Board, and the Board shall have forty-five (45) days from the receipt of such request to allow the Township Engineer to certify, in writing, to the Board that such portion of the work has been completed in accordance with the approved plan. Upon such certification, the Board shall authorize release from the required financial security of an amount as estimated by the Township Engineer as representing the value of the work completed.
- E. The value of the work completed shall be determined by subtracting one hundred ten (110) percent of the estimated cost of the completion of the remaining uncompleted work from the total amount of security deposited.
- F. At such time as ninety (90) percent of the lots in the subdivision have been improved as set forth above, or if at the expiration of three (3) years from the date all of the improvements excepting the surface course has been completed, less than ninety (90) percent of the lots have been so improved, the Township may notify the developer to complete the surface course within sixty (60) days from the date of such notice. In computing the sixty (60) day requirement, the period from October 1 to April 1 shall not be counted.
- G. If at the time the surface course is completed, ninety (90) percent of the lots are not improved as set forth above, the developer must:
 - 1. Post with the Township financial security in an amount equal to fifteen (15) percent of the reasonable cost of the surface course as security to guarantee that damages to the road or street would not occur during the completion of the improvements on the unimproved lots in such developer's subdivision or land development. The Township shall hold such financial security and utilize it to pay for the repair of any damage occurring to the road during the period between the commencement of improvements on any particular unimproved lot and the completion of such improvements irrespective of whether or not it can be established that the damage to the road was caused by contractors or other persons working in and about the construction of such improvements. The financial security shall be in a form acceptable to the Township.
 - 2. Present to the Township agreements signed by the owners of all of such unimproved lots pursuant to which they will agree to pay to the Township the cost of repairing any damage occurring to roads in such subdivision during the period between the commencement of work on the improvements to their lot and the completion of such improvements irrespective of whether or not it can be established that such damage was caused by contractors or other persons involved in the improvement of their respective lot.

SECTION 502. Release from Financial Security.

- A. When the developer has completed all of the improvements as shown on the final plans, the developer shall notify the Board, in writing, by certified or registered mail, of the completion

of the aforesaid improvements, enclosing therewith certification by the engineer responsible for the design of the improvements that they have been installed as designed, and shall send copies of the notice and certification to the Township Engineer. The Board shall, within ten (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 Board and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board, 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 the reasons for such non-approval or rejection. Improvements shall not be considered completed unless the developer can demonstrate compliance with the requirements of this Ordinance, the Township Storm Water Management Ordinance, and all other applicable ordinances, statutes and regulations. Improvements shall also not be considered complete until as-built plans of all improvements to be dedicated to the Township and/or the Authority and of all streets, whether or not such streets shall be dedicated, have been submitted to the Township and/or the Authority, as applicable.

- B. The Board shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of its action with relation thereto. If the Board or Township Engineer fails to comply with the time limitation provisions contained herein, or such time limitations as contained in the Municipalities Planning Code, whichever requirements shall contained a longer time period for action by the Township, all improvements will be deemed to have been approved and the developer's posted financial security shall be released.
- C. If any portion of the said improvements shall not be approved or shall be rejected by the Board, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- D. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise any determination of the Board or Township Engineer.

SECTION 503. Remedies to Effect Completion of Improvements. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plan, the Board may enforce any letter of credit or other financial security by appropriate legal and equitable remedies. If proceeds of such financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board may, at its option, install such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action or recover the monies necessary to complete the remainder of the improvements. All the proceeds, after deducting the costs of collection, whether resulting from the financial security or from any legal or equitable action brought against the developer or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

SECTION 504. Inspection During Construction. The Township and/or the Authority shall inspect the improvements during construction. The developer shall pay the cost of any such inspection in

accordance with the provisions of Article V of the Municipalities Planning Code. The developer shall provide at least twenty-four (24) hours notice prior to the start of construction of any improvements that are subject to inspection. All inspections of completed items shall be requested, in writing, at least forty-eight (48) hours in advance of the inspection time and date.

It is generally required that the following phases of site construction have mandatory inspection. This general list of phases may be amended by mutual agreement of the Township and developer when the site requires special construction procedures. The inspection schedule must be recorded with the final plan or shown on the approved improvement construction plan.

A. General Site Construction.

1. Upon completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary erosion and sedimentation control devices.
2. Upon completion of rough grading, but prior to placing topsoil, permanent drainage, or other site development improvements and ground covers.
3. During the construction of permanent storm water management and BMP facilities.
4. Upon the final completion of permanent storm water management and BMP facilities, including the establishment of ground covers and plantings.
5. After review of the as-built drawings, required by Section 508, but prior to final release of the financial guarantee for completion of final grading, vegetative controls required by the BMP standards, or other site restoration work.

B. Street Construction.

1. Preparation of Road Subgrade. At the time of this observation, the subgrade should be proof rolled and the proposed crown and grade should be checked. It is recommended that a developer's/contractor's representative accompanies the observer when the crown and grade are checked. Proof rolling should be performed with a fully loaded, tandem-axle dump truck. This observation must occur prior to any stone subbase being placed.
2. Placement and Compaction of Road Subbase. At the time of this observation, the depth of subbase should be checked after compaction, the subbase should be proof rolled in the same manner as the subgrade and the crown and grade should be checked again. This observation must occur prior to any binder or base course being placed.
3. Placement and Compaction of the Binder/Base Course. At the time of this observation, the depth of the binder/base course should be checked, ambient temperature should be monitored (this is important in early spring and late fall days when the temperature can go below acceptable limits), the temperature of the bituminous material should be checked (if possible), and it is recommended that copies of the weight slips for each truckload are obtained. The crown and grade should also be checked again. This observation must occur prior to the wearing course

being placed.

4. Placement and Compaction of the Wearing Course. At the time of this observation, the guidelines for the placement and compaction of the binder/base course should be followed.
- C. In addition to the above outlined observations, additional observations will be made at the request of the developer for reduction of financial securities. Random observations should be made at the frequency desired by the municipality. At the time of any of the above listed observations, all ongoing construction (i.e. storm drainage, sanitary sewer, water, erosion control, etc.) should also be checked for compliance with the approved plans and the findings reported. Since the above inspections are mandatory, it is recommended that requests for reduction of financial guarantee to be submitted to coincide with the above inspections.

SECTION 505. Offers of Dedication.

- A. The offer to dedicate streets, parks or other areas or portions of them does not impose any duty upon the Township and/or the Authority concerning maintenance or improvement until the proper authorities of the Township and/or the Authority have made actual acceptance of the dedication by ordinance or resolution or by entry or improvement.
- B. Where the Township accepts dedication of all or some of the required improvements following completion, the Township may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in Section 501 of this Ordinance with regard to installation of such improvements and the amount of such financial security shall not exceed fifteen (15) percent of the actual cost of the installation of the said improvements.
- C. Where the Authority accepts dedication of some or all of the required improvements, the Authority may require the posting of financial security in accordance with its rules and regulations and applicable law.

SECTION 506. Maintenance of Streets. The developer shall maintain all streets in the subdivision or development in travelable condition, including the prompt removal of snow therefrom, until such time as the streets are accepted by the Township as part of the Township highway system; or, if such streets are not to be dedicated, until a homeowners' association or other entity responsible for the maintenance of the streets has been formed.

SECTION 507. Effect of Plan Recording on Dedication and Reservations. Recording of the final plan after approval of the Planning Commission has the effect of an irrevocable offer to:

- A. Dedicate all streets and other public ways to public use, unless such streets are indicated on said plan as private streets.
- B. Dedicate all neighborhood parks and all areas shown on the plan as being local recreation sites to public use.

SECTION 508. As-Built Plan. Prior to the release of the final escrow estimate, the developer shall provide the Township with one (1) mylar and two (2) prints of the as-built plan showing the following:

- A. Actual location of all concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
- B. Actual location of all iron pins or drill holes in curbs for all individual lot lines.
- C. Actual cul-de-sac radius.
- D. Actual location of cartway centerline versus right-of-way centerline.
- E. Actual location of floodplain by elevation and dimension from property line.
- F. Actual location and cross section of swales and accompanying easements.
- G. Actual horizontal and vertical location of storm water management facilities including type and size of storm drainage pipes.
- H. Detention basin:
 - 1. Actual contours of the detention basin.
 - 2. Actual outlet structure details including type, size and inverts of outlet pipes.
 - 3. Actual elevation of the embankment and emergency spillway.
 - 4. A table showing the stage/storage/discharge curve for the constructed conditions.

ARTICLE VI

DESIGN STANDARDS

SECTION 601. General.

- A. Minimum Standards. The standards and requirements contained in this Article shall apply as minimum design standards for subdivision and/or land developments in the Township.

- B. Compliance with Zoning Ordinance and Zoning Hearing Board Decisions. Whenever the Zoning Ordinance provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, or when a variance from the terms of the Zoning Ordinance is required to develop in accordance with the plan, the applicant shall obtain such special exception, variance or conditional use approval from the Township Zoning Hearing Board or Board of Supervisors, as applicable, 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 special exception, variance or conditional use by the Township Zoning Hearing Board or Board of Supervisors, as applicable.

SECTION 602. Streets, Private Streets, Alleys, and Driveways.

- A. General.
 - 1. Proposed streets shall further conform to such county and state street and highway plans as have been prepared, adopted and/or filed as prescribed by law.
 - 2. Streets shall be designed with consideration to both existing and planned streets. All streets shall be arranged to conform as closely as possible to the original topography. New streets shall be connected with streets of similar function, to form continuations thereof. Local streets shall be laid out to discourage use by through traffic. Streets shall be laid out to provide convenient and safe access to the property. The rigid rectangular street pattern need not be adhered to; the use of curvilinear streets may be provided when their use will result in a more desirable layout. Where a development abuts an existing or proposed major street, the Board may require the use of marginal access streets, reverse frontage lots or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major street and separate the local and through traffic.
 - 3. Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
 - 4. Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project provided this use is not adverse to the man-made or natural features of the site.
 - 5. When existing stub streets or temporary cul-de-sac streets adjoin the tract to be developed, they shall be extended into the site and made part of the proposed street

layout. Where a temporary cul-de-sac is being extended, the bulb shall be reconstructed in accordance with the Ephrata Township Street and Roadway Specifications and/or design standards contained in this Ordinance, as either may be amended from time to time. Any existing sidewalk extended through the area and the remaining areas shall be re-graded and seeded.

6. The extension of existing streets which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.
7. All existing streets at the perimeter and/or through the development shall be reconstructed according to Township or PennDOT specifications: (1) if an existing street lies at the perimeter of the development, it shall be reconstructed to the centerline of the street; and (2) if an existing street lies through the development, it shall be reconstructed to the full width of the street as required by Township or PennDOT specifications and design standards.
8. When the proposed development requires construction within an existing street right-of-way, such as sewer, water or storm water lines, the Township may require construction of a new wearing course meeting the specification of the Ephrata Township Street and Roadway Specifications, as may be amended from time to time, along the frontage and/or disturbed area.
9. If lots resulting from original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided, adequate rights-of-way for streets and other required improvements shall be provided as necessary to permit further subdivision.
10. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill banks shall not exceed a maximum slope as provided in the Ephrata Township Street and Roadway Specifications or this Ordinance as either may be subsequently amended.
11. Streets shall be designed to preclude or minimize the need for guide rail. The Township may, however, require guide rail to be placed for protection on embankments when a barrier is indicated as warranted in Design Manual Part 2 Highway Design by PennDOT, January 1990 edition, as amended.

The design and selection of guide rail shall generally be in accordance with the standards in Design Manual Part 2 Highway Design, January 1990 edition, as amended, however, the Township shall approve all guide rail systems.

12. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Street names shall not be repeated within the Township and all street names shall be subject to the approval of the appropriate local postmaster.
13. Street name signs shall be installed at all intersections and their design shall be approved by the Township. All signing shall identify both intersecting streets. Regulatory signs shall be installed at all locations identified by a traffic circulation

study prepared by the developer. Standard traffic signs shall be approved by the Township Police Department and shall be supplied and installed in accordance with Township regulations; PennDOT Publication 68, Official Traffic Devices; and the MUTCD, Manual on Uniform Traffic Control Devices, FHWA.

14. All proposed streets shall be offered for dedication. Where a waiver of this Section is granted by the Township, all private streets shall conform to the requirements of Section 602.H.
15. All streets shall be designed and constructed in accordance with the Ephrata Township Street and Roadway Specifications and the specifications contained in this Ordinance as either may be amended from time to time.

B. Horizontal Alignment.

1. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes.
2. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.
3. Plans with street locations along the perimeter of a property shall be required to show building setback lines and clear site triangles within the adjacent properties. Written permission from the effected adjacent land owner shall be provided prior to preliminary plan approval.
4. There shall be a tangent of at least one hundred (100) feet between reverse curves for all local and collector streets.
5. Horizontal curve centerline radii shall be designed in coordination with vertical geometry, subject to the approval of the Township Engineer. Generally, however, the minimum acceptable centerline radii shall be three hundred (300) feet.

C. Vertical Alignment.

1. Vertical curves shall be used in all changes of grade.
2. The minimum vertical grade for all streets shall be one (1) percent, the maximum vertical grade shall be ten (10) percent.
3. The minimum length of vertical curve for all streets shall be seventy-five (75) feet.
4. At street intersections, the through street shall be approached by side streets in accordance with the following standards; where the grade of the side street exceeds four (4) percent, there shall be a level area on the side street within which no grade shall exceed a minimum of four (4) percent for a minimum distance of one hundred (100) feet (measured from the intersection of the centerlines of the streets).
5. No side street shall intersect a through street when the through street exceeds seven

(7) percent in grade.

6. Notwithstanding the above minimum length of vertical curve, the actual length of vertical curve shall be based on the formula $L = KA$; where "L" is the minimum length of curve in feet, "K" is the length of vertical curve per percent change in "A", and "A" is the algebraic difference in grade (in percent). Values for "K" shall be based on the following criteria:

<u>Design Speed</u> <u>(in miles per hour)</u>	<u>"K"</u> <u>Crest Vertical Curves</u>	<u>"K"</u> <u>Sag Vertical Curves</u>
20	10	20
25	20	30
30	30	40
35	45	50
40	70	70
45	100	90
50	150	110
55	220	130

D. Cul-de-sac and Dead-End Streets.

1. The centerline distance of permanent cul-de-sac streets shall be greater than two hundred fifty (250) feet in length and shall not exceed six hundred (600) feet in length. The length of the cul-de-sac street shall be measured from the centerline intersection of the intersecting street to the center of the cul-de-sac turn-around. Permanent cul-de-sac streets must be provided with a paved turn-around with a minimum diameter of eighty (80) feet to the outside curb and of one hundred (100) feet to the street right-of-way.
2. Unless future extension is clearly impractical or undesirable, the turn-around 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.
3. Temporary cul-de-sac streets shall not exceed eight hundred (800) feet in length.
4. Dead-end streets are prohibited unless designed as cul-de-sac streets, provided that in the case of streets which are planned for future extension into adjoining tracts and which will be no longer than the depth of one (1) lot and which will not be the primary means of access to any lot or dwelling unit, the Township may waive the requirements of providing a turn-around.
5. Any street temporarily dead-ended in order to provide for future continuation of the street into adjoining property or for authorized stage development shall be fully constructed and all utilities installed. A barricade to prevent vehicular access to adjoining property shall be constructed at the termination point of the street. The barricade shall be designed and constructed in accordance with PennDOT Publication 72, Standards for Roadway Construction, RC-63.

6. Where any adjacent stub street is not proposed for extension as through street, a cul-de-sac shall be constructed in compliance with the Ephrata Township Street and Roadway Specifications and/or design standards contained in this Ordinance as either may be amended from time to time.
7. Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, water shall be conveyed away in an underground storm sewer or by other means approved by the Township. The minimum grade on cul-de-sacs shall be designed to ensure a minimum of one (1) percent along the curb line to the designed low points.
8. Temporary cul-de-sacs shall be constructed to the same cartway width as required for permanent cul-de-sacs. Temporary easements shall be provided for the effected adjoining properties until such time that the street is extended.

E. Street Intersections.

1. Intersections involving the junction of more than two (2) streets are prohibited.
2. The distance between the centerline of streets opening onto the opposite sides of existing or proposed streets shall be no less than one hundred and fifty (150) feet between centerlines, measured along the centerline of the street being intersected.
3. Intersections with arterial or collector streets shall be located not closer than one thousand (1,000) feet, measured from centerline to centerline, along the centerline of the arterial or collector street being intersected.
4. Right angle intersections shall be used.
5. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius of thirty-five (35) feet for local streets or alleys and fifty (50) feet for intersections involving arterial and collector streets. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway. The Township may require larger radii based on the largest design vehicle using the intersection.
6. All streets intersecting a state highway shall be subject to the approval of PennDOT.
7. There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points one hundred (100) feet from the intersection of the centerlines. Clear sight triangles shall be indicated on all plans. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
8. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. Sight distance at street intersections shall be such to provide the following minimum stopping distance for a vehicle traveling on an approaching street which has no stop or signal control:

a. Calculation of Safe Stopping Sight Distance.

- (1) Street intersections shall be located at a point which provides optimal sight distance in both directions.
- (2) For each intersection, the available sight distance in each direction shall equal or exceed the stopping sight distance computed from the following formula:

$$SSSD = 1.47 Vt + \frac{V^2}{30(f \pm G)}$$

WHERE:

SSSD = Minimum safe stopping sight distance (feet).

V = Velocity of vehicle (miles per hour).

t = Perception time of driver (2.5 seconds).

f = Wet friction of pavement (0.30).

G = percent grade of roadway divided by 100.

- (3) If the 85th percentile speed varies by more than ten (10) miles per hour from the speed limit, the Township may require the 85th percentile speed to be used to determine stopping distance.
- (4) Appendix No. 22 depicts stopping sight distance for selected speeds. The sight distances in Appendix No. 22 apply for roadway grades in whole numbers from +13% to -13% along with speeds from fifteen (15) to sixty (60) miles per hour in increments of five (5) miles per hour. The designer may use this table in lieu of the above formula.

b. Measurement of Sight Distance.

- (1) The correct measurement of available sight distance at each proposed street intersection shall be the responsibility of the applicant.
- (2) For the purpose of measuring available sight distance, the height of the driver's eyes shall be 3.5 feet above the road surface, and the height of the object shall be 3.5 feet above the road surface. The lateral placement of vehicles on the roadway and at the proposed access point shall be consistent with the operation of the access and roadway.
- (3) For each direction, the shortest of the following measurements shall be considered the available sight distance for that direction:
 - (i) The maximum length of roadway along which a driver at the

proposed street intersection can continuously see another vehicle approaching on the roadway. The driver's eyes at the proposed point of access shall be ten (10) feet back from the near edge of the closest travel lane in the center of the intersection land.

- (ii) The maximum length of roadway along which a driver on the roadway can continuously see a vehicle which is located in his travel lane on the roadway in order to make a left turn into the proposed access or as a result of a left or right turn out of the proposed access.
- (iii) The maximum length of roadway along which the driver of a vehicle intending to make a left turn into the proposed access can continuously see vehicles approaching from the other direction. This is measured from the point where the left turning vehicle stops.

c. Inadequate Sight Distance Remedies. If it is impossible to achieve required safe stopping sight distance in both directions the Township may:

- (1) Prohibit left turns by entering or exiting vehicles;
- (2) Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the applicant;
- (3) Require removal of physical obstruction from the line of sight, at the expense of the applicant;
- (4) Require installation of a separate left turn standby lane; or
- (5) Deny access to the roadway.

F. Alleys.

1. Alleys shall have the following characteristics:

- a. A property which utilizes an alley shall maintain frontage along a public or private street.
- b. An application that proposes alleys shall be accompanied by an agreement which shall be recorded with the final plan and which shall establish the conditions under which the alleys will be maintained.
- c. The final plan, for recordation with the Recorder of Deeds shall include a plan note which identifies (1) the specific alleys, (2) the recorded maintenance agreement, and (3) a notification that the alleys do not qualify for dedication

to the Township and that the Township will not assume any responsibility for their maintenance.

2. The cartway of all alleys shall be constructed in accordance with local road specification in the Ephrata Township Street and Roadway Specifications and this Ordinance as either may be amended from time to time.
 - a. No part of any structure shall be located within thirty (30) feet from the cartway edge of an alley.
 - b. The vertical and horizontal alignments of alleys shall conform to the specifications for local streets as stated in the Ephrata Township Street and Roadway Specification and Sections 602.B and 602.C of this Ordinance, respectively as either may be amended from time to time.
 - c. Alleys and their intersections shall conform to the specifications for local streets as stated in the Ephrata Township Street and Roadway Specification and Sections 602.E and 602.G of this Ordinance, respectively as either may be amended from time to time.
 - d. Alleys which form a cul-de-sac shall not exceed four hundred (400) feet in length, measured from the centerline intersection of a street or private street which is not a cul-de-sac. Alley cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turn-around. The turn-around shall be designed in accordance with one of the following methods:
 - (1) An eighty (80) foot paved diameter.
 - (2) T-shaped turn-around with a twelve (12) foot width and the flared portions rounded by minimum radii of twenty (20) feet.
 - e. All alleys shall be privately maintained. The plan shall contain a note which shall state that the alley shall not be offered for dedication and shall be privately maintained.
 - (1) If an alley is to be for the common use of two (2) properties, the applicant shall provide for the maintenance of such alley. The applicant shall provide for private maintenance through the formation of a homeowners' association or through the setting forth of the maintenance responsibilities in easements in the deeds to the lots which have the right to use the alley. If a homeowners' association is formed, a document setting forth the maintenance responsibilities of such association and the right of such association to assess lots within the development shall be recorded at the same time as the final plan is recorded. All such documents shall be in a form acceptable to the Township Solicitor.
 - (2) All persons who shall purchase a lot abutting or having the right to use

an alley shall be given a copy of the final plan, and, if a homeowners' association has been formed, shall be given a copy of all such documents relating to the maintenance responsibilities of such homeowners' association.

- f. All alleys and associated parking areas shall be located outside the minimum required rear yard and side yard setbacks.

G. Right-of-Way and Cartway Widths.

- 1. The minimum street rights-of-way and cartway widths for new streets shall be as follows:

	<u>Street Classification</u>	<u>Minimum Cartway</u>	<u>Minimum Right-of-Way</u>
a.	Arterial Street (Highway)	As determined after consideration with the County Planning Commission and PennDOT.	
b.	Collector Street	34' w/Curb	60 Feet
c.	Local Street	34' w/Curb	50 Feet
d.	Turn-Around of Cul-de-sac	80' in Diameter	100 Feet
e.	Alley or Service Street	24' w/Curb	30 Feet

H. Private Streets. Private streets shall meet all the design standards for public streets as required by this Ordinance and the Ephrata Township Street and Roadway Specifications as either may be subsequently amended. Applications which propose a private street shall be by an agreement which shall be recorded with the Recorder of Deeds as part of the final plan. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication, and shall stipulate:

- 1. That the street shall be constructed and maintained to conform to the provisions in the Ephrata Township Street and Roadway Specifications and/or design standards contained in this Ordinance as either may be subsequently amended.
- 2. The method of assessing maintenance and repair costs.
- 3. That an offer for dedication of the street shall be made only for the street as a whole.
- 4. That the owners of the abutting lots will include with any offer of dedication sufficient funds, as estimated by the Township, to restore the street to the prevailing standards.
- 5. That an agreement by the owners of fifty-one (51) percent of the front footage thereon shall be binding on the owners of the remaining lots.

I. Driveways.

1. Driveways shall be located as to provide minimum safe stopping sight distance at intersections with streets and shall not be located within any required clear sight triangle in accordance with Section 602.E. Access should be provided to the street of lesser classification when there is more than one street classification involved. Driveways shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance and drainage of the street. Driveway locations shall be delineated on all plans. Driveway slopes shall conform to Section 602.C.2.
2. Single-family residential driveways shall be a minimum of three (3) feet from any property line. The minimum width at the street right-of-way shall be ten (10) feet and the maximum width at the street right-of-way shall be twenty (20) feet. The number of driveway entrances per dwelling shall be one (1). The Board may grant additional driveway entrances if severe topographic conditions exist and the width of the lot exceeds one hundred fifty (150) feet at the street right-of-way.
3. Common driveways are prohibited unless a waiver of this Section is granted by the Board. When common driveways are permitted an access and maintenance agreement shall be provided in the deeds of the lots having use of the driveway. The agreement shall be in a form acceptable to the Township Solicitor.
4. When a proposed driveway has access to a street which, in the opinion of the Township, has large traffic volumes, higher traffic speeds or poor site distances the Township may require the use of a turn-around area to prevent vehicles from backing onto the existing street.

J. Access Drives.

1. The cartway of all access drives shall be constructed in accordance with the Ephrata Township Street and Roadway Specifications and Section 603.A.9 of this Ordinance.
2. Access drives do not require a specific right-of-way; however, the following standards for cartway width shall apply:

<u>Number of Lanes</u>	<u>Cartway Width</u>
Three (3) lanes	36 feet
Two (2) lanes	24 feet
One (1) lane	12 feet

3. The vertical and horizontal alignments of access drives shall conform to Sections 602.B and 602.C, respectively.
4. Access drive intersections shall conform to the specifications for streets as stated in Section 602.E.
5. Access drives shall be located a minimum of ten (10) feet from side or rear property

lines.

SECTION 603. Vehicular Parking Facilities, Sidewalks and Curbs.

- A. Parking Areas. Off-street vehicular parking facilities shall be provided in accordance with the Township Zoning Ordinance.
1. Parking compound dimensions shall be no less than those listed in the Ephrata Township Street and Roadway Specifications.
 2. Buffer planting shall be provided for parking compounds and access drives which are adjacent to residential properties. The buffer planting area shall be at least fifteen (15) feet wide. Buffer planting shall be installed in accordance with Section 609.A. Buffer plantings shall not restrict sight distances.
 3. Where parking compounds are designed for more than ten (10) spaces, no less than five (5) percent of the total area must be landscaped and continually maintained. Planting along the perimeter of a parking compound, whether for required screening or general beautification, will not be considered as part of the five (5) percent parking area landscaping. The internal planting areas shall contain appropriate natural ground cover and a minimum of one (1) tree, as specified in Section 609.E.9, for each ten (10) parking spaces, or portion thereof. The Township may reduce the required minimum internal planting area where the proposed overall landscape contains additional perimeter and/or internal trees.
 4. No portion of a parking compound will be permitted within ten (10) feet of side or rear property lines or street right-of-ways.
 5. Not less than five (5) foot radius of curvature shall be permitted for horizontal curves in parking areas.
 6. All dead-end parking lots shall be designed to provide sufficient back-up area for all end stalls.
 7. Painted lines, arrows and dividers shall be provided and maintained to control parking when necessary to direct vehicular circulation.
 8. Parking areas, main entrances and exits that are open to the public shall be lighted to a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface during hours of operation. All lighting shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way. In addition, when adjacent to a Residential District or residential use, the maximum allowable glare at the property line shall be three-tenths (0.3) foot candles at an elevation three (3) feet above the ground surface.
 9. All parking compounds and access drives shall be paved to meet the following minimum standards:
 - a. Crushed aggregate base course with a minimum thickness of six (6) inches, as

specified in PennDOT Specifications, Form 408, and its latest revisions.

- b. The bituminous surface shall consist of a minimum of one and one-half (1-1/2) inches of ID-2 binder course and one (1) inch ID-2 wearing course. Material shall be equal or superior to PennDOT Specifications Publication 408/90, as amended, and shall be applied in accordance with those same specifications.

B. Sidewalks.

1. The Township shall require installation of curbs and sidewalks in any subdivision and land development as provided herein. Sidewalks are required to provide access to and/or within a commercial, industrial or community facility. Sidewalks which are provided as part of such non-residential facilities shall be designed and constructed to service the projected pedestrian needs. All public areas shall be designed barrier free in accordance with applicable federal and state standards, including but not limited to, the Rehabilitation Act. Appropriate details shall be provided on the plans.
2. Sidewalks shall be constructed in accordance with the Ephrata Township Street and Roadway Specifications and/or design standards contained in this Ordinance as either may be amended from time to time. A grass planting strip shall be provided between the curb and sidewalk.
3. Sidewalks shall be installed on both sides of all streets in subdivisions and land developments as herein specified. Sidewalks shall be located, if possible, within the street right-of-way line, and shall be a minimum of five (5) feet in width.

C. Curbs.

1. Curbs shall be required along all proposed streets in subdivisions; along all proposed streets, access drives, alleys, and parking compounds in land developments; and along all existing streets in and abutting both subdivisions and land developments. The developer shall submit the location and grade of all curbs to the Township for consideration.
2. Curbs shall be installed to the dimensions and construction standards of the Ephrata Township Street and Roadway Specifications and/or design standards contained in this Ordinance or, in lieu of such standards, in accordance with the standards of PennDOT Publication 408/90, as amended.
3. Standard straight curb shall be required along all state highways and along all Township streets which the Township has classified as collector and where standing curbs exist. Standard slant curb shall be required along all other streets.

SECTION 604. Blocks and Lots.

- A. General Configuration. The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, the existing man-made features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations while providing safe vehicular and pedestrian circulation. Lots with areas that are two (2) or more times the minimum requirements shall, wherever feasible, be designed with configurations which allow for additional subdivision.
- B. Residential Blocks. All blocks in a residential subdivision shall have a maximum length of one thousand five hundred (1,500) feet.
- C. Non-Residential Blocks. Blocks in non-residential areas may vary from the requirement of Section 604.B when required by the nature of the use. Adequate provisions shall be made for off-street parking, loading areas and traffic circulation.
- D. Lot and Parcel Configuration.
 - 1. Whenever practical, side lot lines shall be radial to street lines.
 - 2. In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.
 - 3. All lots with a width of sixty (60) feet or more shall contain an average depth not less than one-half (1/2) nor more than four (4) times their width provided that the minimum average depth shall not be less than seventy-five (75) feet. All lots with a width less than sixty (60) feet shall contain an average depth not less than seventy-five (75) feet.
 - 4. Lot and parcel configuration shall conform to the Township Zoning Ordinance.
 - 5. All lots shall front on an approved public or private street and maintain a minimum lot width at the building setback line and street right-of-way.
 - 6. Double frontage lots are prohibited except where provided as reverse frontage lots. Reverse frontage lots are only permitted when a reduction of driveway intersections along a street with a high volume of vehicular movements is desired. All reverse frontage lots shall include an identification of the frontage for use as a road access.
 - 7. All reverse frontage lots shall have a rear yard in accordance with the Township Zoning Ordinance, measured at the shortest distance from the proposed dwelling unit to the street right-of-way and shall, within each rear yard and immediately adjacent to the street right-of-way, have a planted buffer at least ten (10) feet in width, across which there shall be no vehicular access. (See Section 609.A, Buffer Planting).
 - 8. All remnants of land (areas remaining after subdivision) shall conform to the lot area and configuration requirements.

- E. Lot Size and/or Intensity. All lot sizes shall conform to the Township Zoning Ordinance.
- F. Flag Lots. Flag lots shall not be created when lots can be designed that directly access a public or private street. The Board at its sole discretion may approve the plotting of a limited number of flag lots when:
 - 1. The flag lot is being created to serve one homesite in the back of an existing tract of land where there is no potential of street access to the proposed lot.
 - 2. The flag lot is the result of the division of agricultural land to create an additional building site on the least suitable portion of the property for continued agricultural use.
 - 3. No more than two (2) continuous flag lots shall be permitted.
 - 4. The "flagpole" or access portion of the flag lot shall maintain a minimum width of twenty-five (25) feet and shall not change direction more than once. The area of the flagpole shall not be included with the area of the "flag" or the body of the lot in satisfying Township zoning standards for minimum lot size.
 - 5. The Board may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.

SECTION 605. Building Setback Lines and Building Separation.

- A. A building setback line shall be provided along each street and private street. The area in front of the building setback line shall be preserved from structural development.
- B. The distance to the building setback line shall be measured from the street centerline or right-of-way line and shall conform to the Township Zoning Ordinance. Setback lines on private streets shall be the required setback as per the Township Zoning Ordinance.
- C. In the case of corner lots, the setback from each adjacent street shall apply.
- D. All building separations and height requirements shall conform to the Township Zoning Ordinance.
- E. On any lot abutting a railroad, no dwelling shall be placed within seventy-five (75) feet of any portion of the railroad right-of-way or power line.
- F. On any lot abutting or traversed by a high voltage transmission line, no dwelling shall be placed within seventy-five (75) feet of any portion of the right-of-way.
- G. Where application for a land development plan is made for the purpose of erecting more than one (1) principal structure on a single lot, the appropriate setback and yard requirements shall be provided for each structure as though it were on an individual lot. In each case, the Township shall require suitable provisions for utilities and access in the event of potential

subdivision of the tract.

SECTION 606. Easements. Easements for sanitary sewer facilities, storm water drainage facilities, public utilities, or pedestrian access shall meet the following standards:

- A. To the fullest extent possible, easements shall be adjacent to property lines.
- B. Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement. This requirement shall be noted on the final plan and shall be included in all deeds for lots which contain an easement.
- C. Pedestrian easements shall have a minimum width of six (6) feet.
- D. Utility easements shall have a minimum width of thirty (30) feet, and all utility companies are encouraged to use common easements.
- E. The applicant shall reserve easements where storm water or surface water drainage facilities are existing or proposed, whether located within or beyond the boundaries of the property. Easements shall have a minimum width of thirty (30) feet and shall be adequately designed to provide area for (a) the collection and discharge of water, (b) the maintenance, repair and reconstruction of the drainage facilities, and (c) the passage of machinery for such work. The easements shall clearly identify who has the right-of-access and responsibility of maintenance. This requirement shall be noted on the final plan and shall be included in all deeds for lots which contain an easement.
- F. Where any petroleum or petroleum product transmission line traverses a subdivision or land development, the applicant shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each structure and the centerline of such petroleum or petroleum product transmission line. Additionally, the Township will require, with the final plan application, a letter from the owner of the transmission line stating any conditions on the use of the tract which shall contain the above.
- G. Where a subdivision or land development is adjacent to or traversed by a water course, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainageway, channel, or stream of such width as will be adequate to preserve the unimpeded flow from a one hundred (100) year design rainfall.
- H. When a subdivision proposes multi-family attached dwellings, such as townhouses, the plans shall include an access easement along the front and rear property lines of all units, and side property lines of the end units, to allow all lots owners within the unit access to front and rear yards. The access easement shall have a minimum width of six (6) feet. This requirement shall be noted on the final plan and shall be included in all deeds for lots which contain the easement.

SECTION 607. Survey Monuments and Markers.

- A. Permanent concrete monuments shall be accurately placed along at least one (1) side of each street at the beginning and end of all curves and at all angles.
- B. Markers shall be set at the points where lot lines intersect curves and/or other property lines.
- C. Monuments shall be of concrete, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Cast-in-place or pre-cast concrete monuments shall be marked with center punch mark in a three-quarter (3/4) inch copper or brass dowel. Metallic markers shall consist of Copperweld bars at least thirty (30) inches long and not less than three-quarters (3/4) inch in diameter. Alternative monumentation methods will be at the discretion of the Township Engineer. All monuments shall be inscribed with a proper inscription indicating the name of the surveyor responsible for the survey.
- D. All monuments and markers shall be placed by a registered engineer or surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
- E. All existing and proposed monuments and lot line markers shall be delineated on the final plan.

SECTION 608. Storm Water Management and Floodplain Controls. All storm water management, collection, conveyance, erosion control, and floodplain considerations shall be accomplished in accordance with the provisions of the Township Storm Water Management Ordinance.

A. Storm Water Management.

All subdivision and/or land development applications shall include storm water management data. The storm water management data shall identify all proposed storm water management facilities and supportive information as required by the Township Storm Water Management Ordinance.

B. Floodplains.

- 1. Floodplain areas shall be established and preserved as provided by the Township Zoning Ordinance.
- 2. Whenever a floodplain is located within or along a lot, the plan shall include the boundary of the floodplain and the elevation or locational dimensions from the centerline of the watercourse; a plan note that the floodplain shall be kept free of structures, fill and other encroachments; and a plan note that floor elevations for all structures adjacent to the floodplain shall be two (2) foot above the one hundred (100) year flood elevation.

SECTION 609. Landscaping.

- A. **Buffer Planting.** Buffer planting shall be provided along the rear of reverse frontage lots. Parking and building are prohibited within the buffer area. The use of the buffer area for accessways shall be limited. Buffer areas shall include a suitable and uninterrupted evergreen planting of a minimum height of thirty-six (36) inches sufficient height and density to give maximum screening. Such screening shall be permanently maintained and replaced where necessary to present an attractive appearance.
- B. **Commercial and Industrial Landscaping.** A completely planted visual barrier, designed to reach sufficient density within five (5) years, shall be provided between any commercial or industrial use and the contiguous tracts.
1. An equivalent barrier shall be provided between residential uses of differing density.
 2. Any portion of the commercial or industrial tract which is not used for buildings, structures, parking, etc. shall be planted or landscaped in accordance with an overall plan to be approved by the Board and the Township Engineer.
 3. The perimeter of all commercial and industrial parking areas and all mechanical equipment which is not enclosed shall be screened.
- C. **Fencing.** The Township may require the use of fencing, in lieu of screen plantings, when a subdivision or land development abuts an agricultural use. The fencing material shall be approved by the Township. The fencing shall be installed along the tract boundary within a ten (10) foot easement and shall be permanently maintained by the property owner. Notation indicating maintenance responsibilities shall be placed on the final plan and included in all deeds for lots which contain the easement.
- D. **Existing Wooded Areas.** Existing wooded areas shall be protected to prevent unnecessary destruction. At least twenty-five (25) percent of the number of trees (minimum trunk caliper of five [5] inches at twelve [12] inches above ground) that exist at the time of plan submission shall be maintained or replaced immediately following construction. Replacement trees shall be a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade and located within unbuildable sections of the site (i.e. steep slope and setback areas).
- E. **Street Trees.** Street trees shall be required by the Township with the following standards:
1. The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees shall be subject to the approval of the Township.
 2. All trees shall have a normal habit of growth and shall be sound, healthy and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 3. The caliper of the trunk, measured at a height of six (6) inches above finished grade, shall be a minimum of two (2) inches.
 4. Trees shall be planted between the street right-of-way line and the building setback line except where the Township has authorized placement of trees within the street

right-of-way. The tree growth shall not interfere with the street cartway, sidewalk or utility line.

5. All planting shall be performed in conformance with good nursery and landscape practice including proper guying and staking.
6. Requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1-1973, as amended.
7. One (1) street tree shall be provided for each building containing two (2) or less dwelling units and two (2) trees for buildings containing three (3) or more dwelling units.
8. A minimum of one (1) street tree shall be provided for each residential lot, and spaced not less than forty (40) feet nor more than sixty (60) feet apart along the entire length of each existing or proposed street. In commercial and industrial zoning districts, street trees shall be provided with each land development plan and spaced not less than forty (40) feet nor more than sixty (60) feet apart along each street frontage.
9. Street trees shall be selected from the following species:

Acer rubrum cultivars	Red Maple
Aesculus x cornea	Red Horsechestnut
Cladrastus lutea	American Yellowwood
Fraxinus pennsylvania cultivars	Green Ash
Ginkgo biloba (males only)	Ginkgo
Gleditsia triacanthos inermis cultivars	Thornless Honey Locust
Liquidambar styraciflua	Sweet Gum
Nyssa sylvatica	Black Tupelo
Quercus acutissima	Sawtooth Oak
Quercus phellos	Willow Oak
Quercus rubra	Red Oak
Sophora japonica	Japanese Pagoda Tree
Tilia cordata	Littleleaf Linden
Tilia x euchlora	Crimean Linden
Tilia tomentosa	Silver Linden
Zelkova serrata cultivar	Japanese Zelkova
Pyrus calleryana Redspire	Redspire Pear

- F. Ground Cover. Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone or other solid material shall be protected with a maintained vegetative growth.

SECTION 610. Sanitary Sewage Disposal and Water Supply.

- A. Sanitary Sewage Disposal. Where determined as feasible and necessary by the Board, the applicant shall be required to connect to the public sewer system. Feasibility will be determined by the Board, and be based upon applicable authority standards requiring connection and/or analysis of the sewer and water feasibility study required by Section 405 of this Ordinance. Whenever it is determined by the Board of Supervisors that public sanitary sewer service will be available to the property being developed in the foreseeable future or the area is listed in the Township's Act 537 Plan for the installation of sewer within ten (10) years as that plan from time to time is updated, the applicant shall provide a capped sanitary sewer system in accordance with the latest specifications or requirements of the Ephrata Township Sewer Authority or PA DEP.
1. When the Township, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, determines the necessity for a sewer facilities plan revision (plan revision module for land development), or supplement, the Board shall require that notice of approval from DER be submitted as a condition of final plan approval.
 2. If the applicant proposes connection to the public sewer system, the final plan application shall include a statement from the Sewer Authority indicating the approval of the plans for design, installation and possible financial guarantees.
 3. If the applicant proposes connection to the public sewer system, the sewerage installation shall be in accordance with the specifications of the Sewer Authority. The Sewer Authority shall establish requirements for the ownership and maintenance of such system.
 4. If the applicant proposes to provide a community sewer system, its construction and installation shall be in accordance with applicable Sewer Authority specifications and all regulations of DER. The applicant shall obtain all permits and approvals required by the Sewer Authority or DER prior to final plan approval.
- B. Water Supply.
1. Where determined as feasible and necessary by the Board, the applicant shall connect to the existing public water system. Feasibility will be determined by the Board, and be based upon the Water Authority's Water Connection Ordinance and/or the Water Authority standards requiring connection and analysis of the sewer and water feasibility study required by Section 405 of this Ordinance. Whenever it is determined by the Board of Supervisors that public water service will be available to the property being developed in the foreseeable future, the applicant shall provide a capped water system in accordance with the latest specifications or requirements of the Ephrata Area Joint Water Authority.
 2. If the applicant proposed connection to the public water system, the locations and kind of fire hydrants shall be in accordance with the specifications of the Water Authority or public utility which operates such water system in concert with the local fire department thread requirements. A copy of the approval of such system by the Water Authority or the public utility shall be submitted.

3. If the applicant proposes connection to the public water system, the final plan application shall include a statement from the Water Authority or the public utility indicating the approval of the plans for design, installation and possible financial guarantees.
4. If the applicant proposes connection to the public water system, the installation and construction shall be in accordance with the specifications of the Water Authority or the public utility. The Water Authority or the public utility shall establish requirements for the ownership and maintenance of such system.
5. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by the Water Authority. A copy of a certificate of public convenience or an application for such certificate, a cooperative agreement or a commitment to serve the area in question, whichever is appropriate, shall be acceptable evidence.
6. If the applicant proposes to provide a community water supply system, its installation shall be in accordance with the Water Authority specifications and all regulations of DER. The applicant shall obtain all permits and approvals required by the Water Authority, the public utility or DER prior to final plan approval.

C. On-Lot Sewage Disposal. If the applicant proposes installation of on-lot sewage disposal and has presented documentation satisfactory to the Sewer Authority and the Board proving the infeasibility of connection to public or community sewer systems, the following documentation shall be provided:

1. Sewage Testing Required for all Proposed Lots. Each lot or lot to be created shall contain a suitable location for the installation of an initial individual on-lot sewage system except when such lots or lots to be created are to be served by a community sewage system. The Sewage Enforcement Officer shall perform or observe all tests required by DER and this Ordinance for the location of an individual on-lot sewage system to confirm the suitability of the location.
2. Replacement Location for On-Lot Sewage Systems Required. A replacement location shall be provided which shall comply with all regulations issued by DER concerning individual on-lot sewage systems, including isolation distances, and with the terms of this Ordinance and any other applicable Township Ordinances.
3. Identification of Replacement Location.
 - a. Each applicant shall demonstrate to the satisfaction of the Sewage Enforcement Officer and/or a sanitarian certified by DER that an area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the replacement location. The Sewage Enforcement Officer or sanitarian shall perform all tests required by DER regulations for the location of an individual on-lot sewage system to confirm the suitability of the

replacement location. Allowance of open land for the replacement location without such testing shall not constitute compliance with the requirements of this Section.

- b. The location of each initial individual on-lot sewage system and each replacement location shall be noted on the plans. An appropriate easement shall be provided around the replacement location and shown on the final plan. The purchaser of each lot shall be provided with a copy of the plans. A note shall be added to the plans stating that no improvements shall be constructed upon the replacement location easement, and the deed to each lot created as a part of the subdivision or land development shall contain language reflecting this limitation.
 - c. Any revisions to a permit or plan affecting a replacement location which previously has been approved pursuant to the provisions of this Ordinance shall be approved by the Township or its authorized representative.
4. **Construction of Improvements Upon or Disturbance of Replacement Location Prohibited.** The replacement location shall not be excavated, graded, filled, or otherwise disturbed in any manner which would prevent its use as a future location for an on-lot sewage disposal system during development of the lot. No permanent or temporary improvements of any character other than the planting of trees, shrubs or other plant matter shall be constructed upon the replacement location unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the Sewage Enforcement Officer that an alternate replacement location which complies with all applicable Township Ordinances exists upon the lot. If such an alternate replacement location shall be identified, the alternate replacement location may be considered to be the replacement location required by this Ordinance, shall be designated as the replacement location, and the plans shall be accordingly revised and submitted to the Planning Commission. The newly designated replacement location shall thereafter be considered the replacement location for the purposes of this Ordinance.
 5. The limits of both the initial individual on-lot sewage system and the replacement system location easement for each lot must be staked and roped off, or other acceptable measures, prior to issuance of building permits for each lot and properly maintained during construction until the issuance of an occupancy permit.

SECTION 611. Dedication of Park and Recreation Land. All residential subdivisions and land developments 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. 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 ordinance relating to the length to depth ratios and which shall be accessible to the public. No more than fifteen (15) percent of the lot

shall consist of floodplain, wetlands or other features which shall render the lot undevelopable. No storm water 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 permit the provision of recreational land configured in such a manner as to best preserve natural features.
2. The park, recreation or 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 municipality, the developer shall extend such utilities to the park, recreation and open space land.
3. [If the adjoining property has previously been developed and recreational land has been provided at the boundary of that previously developed property, the Board shall require that recreational land required of the development shall be located adjoining the previously provided recreational land.](#)

B. A minimum of four one-hundredths (0.04) acres of land shall be reserved as park or recreation 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.

C. The developer may request that the Board not require 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. Such request shall be made part of the preliminary subdivision plan or preliminary land development plan. If the Township does not approve the developer's request, the developer shall revise the preliminary plan to provide .04 acres of land per dwelling unit/lot for park or recreation land.

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.
2. Ephrata Township has established a flat fee per dwelling unit/lot for the fee in lieu of private reservation of parkland. The [initial](#) flat fee shall be \$2,000 per dwelling unit/lot [which the Supervisors may change by resolution as the cost of land changes.](#) If the developer does not agree that the flat fee accurately represents the value of the land, the developer may elect to have an appraisal completed to establish the fair market value of the land required to be dedicated.

- a. If the developer elects to have an appraisal completed to establish the fair market value of the land required to be dedicated, The Township shall hire a PA Certified General Appraiser to complete an appraisal of the

property. The developer shall be responsible to reimburse the Township for the entire cost of the appraisal. Fair market value shall be computed by dividing the appraised value for the tract by the number of acres within the tract and then by multiplying that number by the amount of land required to be dedicated.

3. Payment of all such fees shall be a condition of preliminary plan approval, and no final plans shall be signed by the Board until such fees are paid unless the Board approves an alternate payment schedule.
4. 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. The estimate of the cost of construction must be approved by the Township.
5. 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 in a condominium or the creation of a home owners' association which shall meet the requirements for a unit owners' association contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. Section 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 Code dealing with the maintenance of common open space in planned residential developments. Notwithstanding the foregoing, the developer may request that the Board approve the 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.
6. 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, and recorded in the Lancaster County Recorder of Deeds Office prior to approval of the preliminary subdivision plan or preliminary land development plan.

SECTION 612. Emergency Access Requirements. All subdivisions or land developments containing fifty (50) or more dwelling units, or non-residential buildings or buildings containing fifteen thousand (15,000) or greater square feet of gross floor area shall be provided with at least two (2) separate and distinct means of access to the subdivision or land development.

- A. All subdivisions or land developments containing fifty (50) or more dwelling units shall provide at least two (2) separate and distinct means of access to the subdivision. Access for subdivisions shall be provided through two (2) or more public or private streets each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this Ordinance concerning design and construction. Access for land developments may be provided through two (2) or more driveways into the land development. If the property to be developed has frontage on two or more public or private streets, the required access points shall be located on two or more different public or private streets. If the property to be developed does not have frontage on two or more

public or private streets, the access points shall be separated by a minimum distance of one-hundred fifty (150) feet and shall comply with all requirements of this Ordinance.

- B. All subdivisions or land developments containing twenty (20) or more but less than fifty (50) dwelling units shall provide at least two (2) separate and distinct means of access to the subdivision. Access shall be provided through two (2) or more public or private streets each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this Ordinance concerning design and construction. Access for land developments may be provided through two (2) or more driveways into the land development. If the property to be developed has frontage on two or more public or private streets, the required access points shall be located on two or more different public or private streets. If the property to be developed does not have frontage on two or more public or private streets, the access points shall be separated by a minimum distance of one-hundred fifty (150) feet and shall comply with all requirements of this Ordinance.
- C. If the applicant is unable to provide two (2) separate and distinct means of access points to a subdivision or land development containing twenty (20) or more but less than fifty (50) dwelling units, the applicant shall provide a second emergency access that meets the following requirements:
1. The emergency access shall be improved so that emergency vehicles may safely transverse it and shall be indicated on the plans.
 2. The design of the emergency access shall be submitted to the providers of emergency service within the Township. Applicants proposing to provide emergency access shall submit evidence that plans were submitted to the emergency service providers for their review and comment.
 3. The emergency access may be located so that access to the subdivision or land development is gained from a public street at a location unsuitable for regular access with an existing public street.
 4. The emergency access may be located so that access is gained from an adjacent tract. For example, a subdivision or land development adjoining a parking lot or another use may provide emergency access through a point with a break chain. Applicants with plans indicating emergency access through an adjoining private tract shall provide evidence that the adjoining property owner has consented to such emergency access location.
- D. All land developments containing a non-residential building/s) exceeding fifteen thousand (15,000) or greater square feet of gross floor area shall provide at least two (2) separate and distinct means of access to the land development. Access shall be provided through two (2) or more public or private streets each of which intersects with an existing public street or two (2) or more driveways into the land development, proposed public or private streets shall meet all the requirements of this Ordinance concerning design and construction. If the property to be developed has frontage on two or more public or private streets, the required access points

shall be located on two or more different public or private streets. If the property to be developed does not have frontage on two or more public or private streets, the access points shall be separated by a minimum distance of one-hundred fifty (150) feet and shall comply with all requirements of this Ordinance.

If the applicant is unable to provide two (2) separate and distinct means of access points to the land development, the applicant shall provide a second emergency access that meets the following requirements:

1. The emergency access shall be improved so that emergency vehicles may safely transverse it and shall be indicated on the plans.
2. The design of the emergency access shall be submitted to the providers of emergency service within the Township. Applicants proposing to provide emergency access shall submit evidence that plans were submitted to the emergency service providers for their review and comment.
3. The emergency access may be located so that access to the land development is gained from a public street at a location unsuitable for regular access with an existing public street.
4. The emergency access may be located so that access is gained from an adjacent tract. For example, a subdivision or land development adjoining a parking lot or another use may provide emergency access through a point with a break chain. Applicants with plans indicating emergency access through an adjoining private tract shall provide evidence that the adjoining property owner has consented to such emergency access location.

SECTION 613. Refuse Collection Stations.

- A. Outdoor collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.
- B. Collection stations shall be located so as to be separated adequately from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be screened and landscaped adequately.
- C. Collection stations shall be so constructed as to prevent the escape of refuse by wind, water or other natural elements and prevent animals, rodents, etc. from entering.

ARTICLE VII

MOBILE HOME PARKS

SECTION 701. General. Mobile home park plans shall be processed in accordance with Article III of this Ordinance, the Township Zoning Ordinance and the design standards shall comply with applicable sections of each Ordinance.

SECTION 702. Lot Size and/or Density. Lot size and density shall comply with the Township Zoning Ordinance.

SECTION 703. Water Supply.

- A. Source. Where feasible, all mobile home parks shall be connected to the public or a community water system. Feasibility shall be established in accordance with Section 402 of this Ordinance. Additionally, all water supply systems shall be provided in accordance with Section 610.B of this Ordinance.
- B. Connection. All mobile homes and service buildings shall be connected to a public or a community water supply system. Individual water riser pipes having an inside diameter of not less than three-fourth (3/4) inches shall be provided for each mobile home stand and shall terminate no less than four (4) inches above the ground.
- C. Protection of Water Lines. Adequate provisions shall be made to protect water service lines from damage including a shut-off valve installed below the frost line at the curb line for each mobile home space.
- D. Fire Hydrants. Fire hydrants or yard hydrants shall be installed in accordance with the provisions of the Middle Department Association of Fire Underwriters and the Authority regulations, when applicable.

SECTION 704. Sewage Disposal.

- A. Approved System. All mobile home parks shall conform to Section 610.A of this Ordinance with respect to establishing an acceptable sanitary sewage disposal facility.
- B. Connection. Where feasible, all mobile homes and service buildings shall be connected to a public or community sewer system. Feasibility shall be established in accordance with Section 405 of this Ordinance. Individual riser pipes having a minimum inside diameter of four (4) inches shall be located on each mobile home lot and shall extend four (4) inches above ground level. The sewer riser pipe shall be sealed with a securely fastened plug when the site is unoccupied. Positive surface drainage away from the plug shall be provided to ensure no infiltration of surface water will occur. All sewer lines shall be constructed with materials and by methods approved by the Sewer Authority and DER.
- C. Protection. Adequate provision shall be made to protect sanitary sewers from storm water infiltration and damage.

SECTION 705. Storm Drainage, Erosion and Sedimentation, and Floodplain Controls. All mobile home parks shall conform to the requirements of the Township Storm Water Management Ordinance.

SECTION 706. Interior Streets and Access Drives.

- A. General. Private streets shall be provided in the park as the principal traffic way, and each mobile home lot shall abut and have access to such a street.
- B. Width. All streets and alleys within a mobile home park shall conform to the right-of-way widths and cartway widths specified in Article XI.
- C. Construction Standards. The cartway construction standards shall conform to Township specifications as well as the requirements of the latest edition of PennDOT Publication 408.
- D. Sight Distance at Street Intersection. A clear sight triangle and stopping sight distances shall be maintained in accordance with Section 602.E.
- E. Horizontal and Vertical Alignment Requirements. All streets and access drives shall be designed in accordance with Sections 602.B and 602.C.

SECTION 707. Vehicular Parking Facilities. Off-street parking spaces shall be provided in all mobile home parks. Two (2) spaces per dwelling unit shall be provided either on the mobile home lot or in a common, paved parking compound within two hundred (200) feet of the mobile home to be served. The spaces shall be designed in the accordance with Section 603.A.

SECTION 708. Sidewalks and Curbs.

- A. Location. All mobile home parks shall have pedestrian walks and curbs along parking compounds and private streets, and between mobile home units and service buildings.
- B. Construction. Sidewalks required by Section 708.A shall comply with the Township Road Ordinance.

SECTION 709. Lighting. All streets, alleys and parking compounds shall be lighted to provide an average minimum two (2) foot candle level of illumination at an elevation of three (3) feet above the grade for the safe movement of pedestrians and vehicles at night. All lighting shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.

SECTION 710. Landscaping. Buffer areas shall include a suitable and uninterrupted evergreen planting of a minimum height of thirty-six (36) inches and density to give maximum screening. Such screening shall be permanently maintained and replaced where necessary to present an attractive appearance. Parking and building are prohibited in the buffer area. The use of the buffer area for access ways shall not be permitted. All buffer planting shall conform with Section 609.

SECTION 711. Building Setbacks and Separations. Mobile homes shall conform to the building setback requirements of Section 605. Additionally, no structure shall be closer than twenty-five (25) feet from any property line defining the external boundary of the park.

SECTION 712. Solid Waste Disposal. Solid waste disposal shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of DER.

SECTION 713. Travel Trailer Parks (Campgrounds). Travel trailer park plans shall be processed as final plans in accordance with Article III. Travel trailer parks shall be subject to the following design standards only:

- A. **Gross Density.** The maximum number of lots or spaces within each park shall be no more than twelve (12) units per gross acre of the park.
- B. **Parking Space Requirements.** A minimum of one (1) motor vehicle parking space shall be provided for each lot or space within the travel trailer park.
- C. **Driveway Requirements.** An internal system of private driveways shall be provided in travel trailer parks. Such driveways shall have a minimum cartway width of twelve (12) feet per driving lane and shall be improved with any hard surface material acceptable to the Board. The Board may require additional cartway improvements for travel trailer parks with a potential occupancy of more than forty-five (45) travel trailers when, in the Board's judgment, such improvements are necessary for safety or health reasons.
- D. **Travel Trailer Park Improvements.** Travel trailer parks may be improved by the permanent installation of travel trailers; however, such trailers shall not be used as permanent residences.

ARTICLE VIII

ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 801. Fees.

A. Fee Resolution

1. The Board shall establish by resolution a collection procedure and schedule of fees to be paid by the applicant at the time of submission of all plans.
2. Fees for all other permits required for and by the Township shall be established by the resolution.
3. Said schedule of fees shall be posted in the Township Office.

B. Engineering Fees.

1. Engineering fees required to be paid in accordance with this Ordinance shall be paid to the Township by the applicant for the below listed services:
 - a. Reviewing all information submitted in conformance with provisions of this Ordinance. This includes all originally submitted and revised plans, reports and specification.
 - b. Inspecting the layout of the site for conformance to the submitted survey, plan and specifications.
 - c. Reviewing planning modules for land development.
 - d. Reviewing cost estimates of required improvements as submitted by the developer.
 - e. Inspecting required improvements during construction.
 - f. Final inspections of completion of installation of the required improvements.
 - g. Such other technical services as deemed necessary or required by the Township.

SECTION 802. Waivers. 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 the Board present at a public meeting to be unreasonable and to cause undue hardship as it applies to the particular property, the Board 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 purpose of this Ordinance.

SECTION 803. Application Requirements.

- A. All requests for waivers shall be made in accordance with the provisions of Section 309 of this Ordinance.
- B. Should a revision to a submitted plan require a waiver which was not apparent at the time of the initial plan submission, the request for a waiver shall be submitted in accordance with Section 309 of this Ordinance.

SECTION 804. Action on Waiver Applications. At a public meeting, the Board shall review the request to determine if the literal compliance with any mandatory provision of this Ordinance 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 Ordinance 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 Board determines that the applicant has met his burden, it may grant a waiver from the literal compliance with the terms of this Ordinance. In granting waivers, the Board may impose such conditions as will, in its judgement, secure the objectives and purposes of this Ordinance. When a waiver is granted with conditions, a statement of the approved waiver including the imposed condition(s) shall be provided on the final plan.

SECTION 805. Enforcement. It shall be the duty of the Zoning Officer and/or other such duly authorized representative of the Township, and they are hereby given the power and authority to enforce the provisions of this Ordinance.

The Zoning Officer shall require that the application for a zoning permit contain all information necessary to enable him to ascertain whether the proposed building, alteration, or use is located in an approved subdivision or land development. No zoning permit shall be issued until the Zoning Officer has determined that the site for the proposed building, alteration or use complies with all the provisions of this Ordinance and conforms to the site description as indicated on the approved and recorded final plan.

SECTION 806. Penalties and Preventive Remedies.

- A. Any person, partnership, corporation or the members of such partnership or the officers of such corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open and/or dedicate any street, sanitary sewer, storm sewer, water main, or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by use of a plan of such subdivision or land development or otherwise; or who erects any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein; or who in any other way be in violation of any of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District

Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of determination of a violation of the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.

- B. In addition to other remedies, the Township may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations of this Ordinance, to prevent unlawful construction, to recover damages and/or to prevent illegal occupancy of a building, structure or premises.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- D. The Township may further refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such permit or approval shall apply to any of the following applicants:
 - 1. The owner of record at the time of such violation.
 - 2. The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - 3. The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual constructive knowledge of the violation.
- E. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee, or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real estate.

ARTICLE IX

APPEALS, INTERPRETATION AND EFFECTIVE DATE

SECTION 901. Appeals. All appeals from decisions of the Board in the administration of this Ordinance shall be made in accordance with the provisions of the Municipalities Planning Code.

SECTION 902. Interpretation and Application of Provisions. In the interpretation and application of the provisions of this Ordinance, said provisions shall be deemed to be the minimum requirements necessary for the promotion and protection of the public health, safety and welfare. Where the provisions of this Ordinance and all standards and specifications implementing it impose greater restrictions upon subdivision or land development than those of any other Township Ordinance or any regulation or any applicable land development agreement, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any statute, regulation, other Township Ordinance or applicable land development agreement impose greater restrictions upon subdivision or land development than this Ordinance, the provisions of such statute, regulation, other Ordinance, or applicable land development agreement shall be controlling.

SECTION 903. Application of Ordinance. With the exception of Sections 903.A and 903.B, the provisions of this Ordinance shall apply to and control all subdivisions and/or land developments whose plans have not been recorded in the Office of the Recorder of Deeds prior to the effective date of these regulations.

- A. The provisions of this Ordinance shall not adversely affect an application for approval of a preliminary or final plan which was duly filed with the Township and is pending action at the time of the effective date of this Ordinance, and in which case the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application had been duly filed. When a preliminary plan has been duly approved, the applicant shall be entitled to final plan approval in accordance with the terms of the approved preliminary plan. However, if an application is properly and finally denied, any subsequent application shall be subject to the provisions of this Ordinance.
- B. If an applicant has received approval of a preliminary or final plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from the date of such approval. When approval of the final plan has been preceded by approval of a preliminary plan, the five (5) year period shall be counted from the date of preliminary plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

SECTION 904. Construction. Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights or liability incurred, or any permit issued, or any approval granted, or any cause or causes of action existing prior to the enactment of this Ordinance.

SECTION 905. Severability. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part, or provision had not been included herein.

SECTION 906. Effective Date. This Ordinance shall take effect and be in force in five (5) days as provided by law.

DULY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Ephrata, Lancaster County, Pennsylvania, on the 18th day of February, 1992, in lawful session duly assembled.

TOWNSHIP OF EPHRATA

By: /s/ Aaron Stauffer
Chairman,
Board of Supervisors

Attest: /s/ John L. Weber
Secretary

[TOWNSHIP SEAL]

APPENDICES

- 1 Certificate of Accuracy (Plan)
- 2 Certification of Accuracy (Survey)
- 3 Storm Water Management Certification
- 4 Certificate of Ownership, Acknowledgement of Plan Offer and Dedication
- 5 Ephrata Township Preliminary Plan Approval Certificate
- 6 Ephrata Township Improvement Construction Plan Approval
- 7 Ephrata Township Final Plan Approval
- 8 Ephrata Township Approval Certificate for a Lot Add-On Plan
- 9 Ephrata Township Planning Commission Review Certificate
- 10 Lancaster County Planning Commission Review Certificate
- 11 Recorder of Deeds Certificate
- 12 Application for Consideration of a Subdivision and/or Land Development Plan
- 13 Application for Consideration of an Improvement Construction Plan
- 14 Request for Review of a Subdivision of Land Development Plan by the Lancaster County Planning Commission
- 15 Notice of Acceptance of an Improvement Guarantee
- 16 Required Improvements Listing (form)
- 17 Notice of Completion and Approval of Improvements
- 18 Application for Consideration of a Waiver
- 19 Standard Street Section Detail
- 20 Standard Curb and Sidewalk Details
- 21 Standard Parking Compound Details
- 22 Safe Stopping Sight Distance Chart
- 23 Fee Schedule
- 24 Sample Legal Documents

APPENDIX NO. 1

CERTIFICATION OF ACCURACY (PLAN)

I hereby certify that, to the best of my knowledge, the plan shown and described hereon is true and correct to the accuracy required by the Ephrata Township Subdivision and Land Development Ordinance.

_____, 20____ * _____

*Signature and seal of a professional registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsible for the preparation of the plan.

APPENDIX NO. 2

CERTIFICATION OF ACCURACY (SURVEY)

I hereby certify that, to the best of my knowledge, the survey shown and described hereon is true and correct to the accuracy required by the Ephrata Township Subdivision and Land Development Ordinance.

_____, 20____ * _____

*Signature and seal of a professional registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsible for the preparation of the plan.

APPENDIX NO. 3

STORM DRAINAGE PLAN CERTIFICATION

I hereby certify that, to the best of my knowledge, the storm drainage facilities shown and described hereon are designed in conformance with the Ephrata Township Storm Water Management Ordinance.

_____, 20____ * _____

*Signature and seal of a professional registered in the Commonwealth of Pennsylvania qualified to perform such duties and responsible for the preparation of the storm drainage plan.

APPENDIX NO. 4

**CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN
AND OFFER OF DEDICATION**

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LANCASTER

On this, the ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, who being duly sworn according to law, deposes and says that he is the * _____ of the property shown on this plan, that the plan thereof was made at his direction, that he acknowledges the same to be his act and plan, that he desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20____

* Identify Ownership or Equitable Ownership

** Signature of the Individual

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

APPENDIX NO. 4

**CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN
AND OFFER OF DEDICATION**

COPARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LANCASTER

On this, the ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, being the members of the firm of _____ who being duly sworn according to law, deposes and says that the copartnership is the * _____ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledges the same to be its act and plan and desires the same to be recorded, and that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

** _____

*** _____

My Commission Expires _____, 20_____

- * Identify Ownership or Equitable Ownership
- ** Signature of the Individual
- *** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

APPENDIX NO. 4

**CERTIFICATE OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN
AND OFFER OF DEDICATION**

CORPORATE

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF LANCASTER

On this, the ____ day of _____, 20____, before me, the undersigned officer, personally appeared _____, being * _____ of
** _____ who being duly sworn according to law, deposes and says that the corporation is the*** _____ of the property shown on this plan, that he is authorized to execute said plan on behalf of the corporation, that the plan is the act and deed of the corporation, that the corporation desires the same to be recorded and on behalf of the corporation further acknowledges, that all streets and other property identified as proposed public property (excepting those areas labeled "NOT FOR DEDICATION") are hereby dedicated to the public use.

**** _____
***** _____
***** _____

My Commission Expires _____, 20____

- * Individual's Title
- ** Name of Corporation
- *** Identify Ownership or Equitable Ownership
- **** Signature of Individual
- ***** Corporate Seal
- ***** Signature and Seal of Notary Public or Other Officer Authorized to Acknowledge Deeds.

APPENDIX NO. 5

**EPHRATA TOWNSHIP BOARD OF SUPERVISORS
PRELIMINARY PLAN APPROVAL CERTIFICATE**

At a meeting on _____, 20 __, the Ephrata Township Board of Supervisors granted PRELIMINARY PLAN APPROVAL of this project, including the complete set of plans marked sheet(s) _____ through _____ which form a part of the application dated _____, last revised _____, and bearing Ephrata Township File No. _____. This plan may not be recorded in the office of the Lancaster County Recorder of Deeds, nor may any construction be initiated.

* _____ *

*Signatures of the Chairman and Vice Chairman or their designees.

APPENDIX NO. 6

**EPHRATA TOWNSHIP BOARD OF SUPERVISORS
IMPROVEMENT CONSTRUCTION PLAN APPROVAL CERTIFICATE**

At a meeting on _____, 20 __, the Ephrata Township Board of Supervisors granted IMPROVEMENT CONSTRUCTION PLAN APPROVAL of this plan, bearing Ephrata Township File No. _____. When combined with the necessary Township and/or Commonwealth approvals and permits, this approval grants the authority to install the improvements required by the Ephrata Township Subdivision and Land Development Ordinance. This plan may not be recorded in the office of the Lancaster County Recorder of Deeds.

* _____ *

*Signatures of the Chairman and Vice Chairman or their designees.

APPENDIX NO. 7

**EPHRATA TOWNSHIP BOARD OF SUPERVISORS
FINAL PLAN APPROVAL CERTIFICATE**

At a meeting held on _____, 20 __, the Ephrata Township Board of Supervisors approved this project including the complete set of plans and information which are filed with the Supervisors in File No. _____, based upon its conformity with the standards of the Ephrata Township Subdivision and Land Development Ordinance.

* _____ *

*Signatures of the Chairman and Vice Chairman or their designees.

APPENDIX NO. 8

**EPHRATA TOWNSHIP BOARD OF SUPERVISORS
APPROVAL CERTIFICATE FOR A LOT ADD-ON PLAN**

This lot add-on plan, bearing Ephrata Township File No. _____, approved by the Ephrata Township Board of Supervisors this ___ day of _____, 20 ____.

* _____ *

*Signatures of the Chairman and Vice Chairman or their designees.

APPENDIX NO. 9

**EPHRATA TOWNSHIP PLANNING COMMISSION
REVIEW CERTIFICATE**

At a meeting held on _____, 20____, the Ephrata Township Planning Commission reviewed this plan and a copy of the review comments is on file in the Township office.

* _____

* _____

*Signatures of the Chairman and Secretary or their designees.

APPENDIX NO. 10

**LANCASTER COUNTY PLANNING COMMISSION
REVIEW CERTIFICATE**

The Lancaster County Planning Commission, as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, reviewed this plan on _____, 20 ____, and a copy of the review is on file at the office of the Planning Commission in LCPC File No. _____. This certificate does not indicate approval or disapproval of the plan by the Lancaster County Planning Commission, and the Commission does not represent nor guarantee that this plan complies with the various ordinances, rules, regulations, or laws of the local municipality, the Commonwealth or the Federal government.

* _____ *

*Signatures of the Chairman and Vice Chairman or their designees.

APPENDIX NO. 11

RECORDER OF DEEDS CERTIFICATE

Recorded in the office for Recording of Deeds, in and for Lancaster County, Pennsylvania, in Subdivision Plan Book _____, Volume _____, Page _____. Witness by hand and seal of office this day of _____ A.D. 19____.

Recorder

APPENDIX NO. 12

**APPLICATION FOR CONSIDERATION FOR A SUBDIVISION
AND/OR LAND DEVELOPMENT PLAN**

ET FILE NO. _____
DATE OF RECEIPT/FILING _____
(FOR TOWNSHIP USE ONLY)

The undersigned hereby applies for approval under the Ephrata Township Subdivision and Land Development Ordinance of 1991 for the (Subdivision) (Land Development) Plan submitted herewith and described below:

1. Plan Name: _____
Plan No.: _____ Plan Date: _____
2. Project Location: _____
3. Name of Property Owner(s): _____
Address: _____
Phone No.: _____
4. Land Use and Number of Lots and/or Units (indicate answer by number):

 Single-Family (Detached) Commercial

 Multi-Family (Attached-Sale) Industrial

 Multi-Family (Attached-Rent) Institutional
5. Total Acreage: _____
6. Application Classification: (Check One)

 Preliminary Plan Final Plan

 Lot Add-On Plan
for processing in
accordance with
Section 308 of
the Ordinance. Revised Sub-
division and/or Land
Development Plan for
processing in accordance
with Section 308 of the Ordinance.

5. Name of Applicant (if other than owner): _____

Address: _____

Phone No.: _____

8. Firm Which Prepared Plan: _____

Address: _____

Phone No.: _____

Person Responsible for Plan: _____

9. Have all zoning approvals been obtained? Please specify approvals:

10. Type of water supply proposed:

_____ Public

_____ Community

_____ Individual

11. Type of sanitary sewer disposal proposed:

_____ Public _____ Live

_____ Community _____ Capped

_____ Individual

12. Lineal feet of new street _____

Identify all street(s) not proposed for dedication:

13. Acreage proposed for park or other public use:

14. Have plans been submitted to the Lancaster County Planning Commission? _____

I am aware that I cannot commence development of the property and cannot commence excavation, earthmoving, grading, or construction until a plan has been recorded in the office of the Recorder of Deeds or until an Improvement Construction Plan has been approved by the Board of Supervisors of the Township of Ephrata. By signing this application, I certify that all facts in the application and all accompanying documentation are true and correct. This application is being made by me to induce official action on the part of Ephrata Township, and I understand that any false statements made herein are being made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date

Signature of Landowner or Applicant

APPENDIX NO. 13

**APPLICATION FOR CONSIDERATION OF AN
IMPROVEMENT CONSTRUCTION PLAN**

ET FILE NO.

**DATE OF RECEIPT/FILING
(FOR TOWNSHIP USE ONLY)**

The undersigned hereby applies for approval of the Ephrata Township Board of Supervisors of the Improvement Construction Plan submitted herewith and described below:

1. Plan Name: _____
Plan No.: _____ Plan Date: _____

2. Project Location: _____
Municipality: _____

3. Name of Property Owner(s): _____
Address: _____
Phone No.: _____

4. Land Use and Number of Lots and/or Units (indicate answer by number):

____ Single-Family (Detached)	____ Commercial
____ Multi-Family (Attached-Sale)	____ Industrial
____ Multi-Family (Attached-Rent)	____ Institutional
____ Mobile Home Park	____ (Other) Specify

5. Total Acreage: _____

6. Name of Applicant (if other than owner): _____
Address: _____
Phone No.: _____

7. Firm Which Prepared Plan: _____
Address: _____
Phone No.: _____
Person Responsible for Plan: _____

I am aware that I cannot commence development of the property and cannot commence excavation, earthmoving, grading, or construction until a plan has been recorded in the office of the Recorder of Deeds or until an Improvement Construction Plan has been approved by the Board of Supervisors of the Township of Ephrata. By signing this application, I certify that all facts in the application and all accompanying documentation are true and correct. This application is being made by me to induce official action on the part of Ephrata Township, and I understand that any false statements made herein are being made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date

Signature

APPENDIX NO. 14

LCPC FILE NO: _____

DATE OF RECEIPT: _____

(FOR COMMISSION USE ONLY)

TO: Lancaster County Planning Commission
50 North Duke Street
Lancaster, Pennsylvania 17602

FROM: Ephrata Township

SUBJECT: Request for Review of a Subdivision or Land Development Plan

We do hereby request the Lancaster County Planning Commission to review the enclosed subdivision or land development plan in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, Article V, Section 502.

Plan Identification (check or complete the following items):

___ Sketch Plan Municipal Plan No. (if any) _____
___ Preliminary Plan Plan Name: _____
 Final Plan _____
 Other (specify) _____
Land of Landowner(s): _____
Address: _____
Additional Comments: _____

Signature

Print Full Name

Title

Ephrata Township
265 Akron Road
Ephrata, PA 17522 (717)733-1044

APPENDIX NO. 15

NOTICE OF ACCEPTANCE OF AN IMPROVEMENT GUARANTEE

DATE: _____

Ephrata Township Board of Supervisors
265 Akron Road
Ephrata, PA 17522

SUBJECT: Acceptance of Improvement Guarantee

Dear Supervisors:

The developer of the project known as _____ has provided an improvement guarantee in the form of a _____ to assure the proper installation of the following improvements:

___ Sanitary Sewer Facilities

___ Water Supply Facilities

___ Fire Hydrants

This form of improvement guarantee was accepted by formal action of the Board of Supervisors ___ at a meeting on _____, 20____.

Authorized Signature

APPENDIX NO. 16

REQUIRED IMPROVEMENTS LISTING

Plan Name: _____

Plan Location: _____

The undersigned developer hereby agrees to provide throughout his development, as shown on the plan of _____, dated _____ the following improvements:

<u>Improvements</u>	<u>Quantity</u>	<u>Units</u>	<u>Price Per Unit</u>	<u>Construction Cost</u>
Street Grading	_____	_____	_____	_____
Street Base	_____	_____	_____	_____
Street Paving	_____	_____	_____	_____
Street Signs	_____	_____	_____	_____
Curbs	_____	_____	_____	_____
Sidewalks	_____	_____	_____	_____
Storm Sewer Facilities	_____	_____	_____	_____
Sanitary Sewer Facilities	_____	_____	_____	_____
Water Supply Facilities	_____	_____	_____	_____
Fire Hydrants	_____	_____	_____	_____
Survey Monuments	_____	_____	_____	_____
Buffer Planting	_____	_____	_____	_____
Street Trees	_____	_____	_____	_____
Traffic Control Signs	_____	_____	_____	_____
Other (specify)	_____	_____	_____	_____

ESTIMATED COST: \$ _____
CONTINGENCIES (10%): \$ _____
INSPECTION FEE DEPOSIT (5%): \$ _____
REQUIRED ESCROW: \$ _____

SIGNATURE OF DEVELOPER _____

APPENDIX NO. 17

NOTICE OF ACCEPTANCE OF AN IMPROVEMENT GUARANTEE

DATE:_____

Ephrata Township Board of Supervisors
265 Akron Road
Ephrata, PA 17522

SUBJECT: Approval of Improvements

Dear Supervisors:

The developer of the project known as _____ has completed the installation of the following improvements in accordance with the improvement construction plan:

- ___ Sanitary Sewer Facilities
- ___ Water Supply Facilities
- ___ Fire Hydrants
- ___ Other (specify)_____

Authorized Signature

Print Full Name

Title

Authority of Utility

Address

Phone No.

APPENDIX NO. 18

APPLICATION FOR CONSIDERATION OF A WAIVER

ET FILE NO. _____
DATE OF RECEIPT/FILING _____
(FOR TOWNSHIP USE ONLY)

The undersigned hereby applies for approval of waiver, submitted herewith and described below:

1. Name of Project: _____
2. Project Location: _____

3. Name of Property Owner(s): _____
Address: _____

Phone No.: _____
4. Name of Applicant (if other than owner): _____
Address: _____
Phone No.: _____
5. Specify section(s) of the Ephrata Township Subdivision and Land Development Ordinance for which waiver is requested: _____

6. The proposed alternative to the requirement: _____

7. Justification for the waiver: _____

8. Identification of plans, reports or supplementary data which is part of the application:

The undersigned hereby represents that, to the best of his knowledge and belief, all information listed above is true, correct and complete.

Date

Signature

APPENDIX 23

FEE SCHEDULE

RATE SCHEDULE		
Plan Type	Administrative Fee	Deposit Account
Sketch	\$100	\$400
Lot Add on	\$100	\$400
Revised Plan	\$100	\$400
Subdivisions (Preliminary or Final)		
Residential	\$100 + \$15/lot	\$400 + \$50/lot
Commercial/Industrial	\$200 + \$15/acre	\$600 + \$75/lot
Land Development (Preliminary or Final)		
Residential	\$100 + \$15/unit	\$400 + \$50/unit
Commercial/Industrial	\$200 + \$15/acre	\$600 + \$75/acre

FEE CALCULATION			
No. of Lots or Acres	Administrative Fee	Deposit Account	Total

NOTES:

1. The administrative fee is non-refundable
2. A fee of \$50 is required for a waiver request that is not submitted with a Subdivision or Land Development Plan. There is no fee for waivers submitted with a Plan.
3. The deposit account is for engineering costs outlined by Section 801 of this Ordinance. If actual costs are less than the deposit, a refund will be issued. If actual costs are higher than the deposit, the additional costs must be paid by the applicant.
4. Fees for improvement construction plans shall be the same as those for preliminary or final plan.

ARTICLE III: Township, by its Engineer or other designated person, will observe the construction of the improvements at progressive stages of completion as deemed necessary by the Township.

ARTICLE IV: In the event there is a difference of opinion as to the quality of the work completed, or as to the completion of the work to meet Township's specifications, the decision of Township's representative shall control and Owner's obligation to maintain the Letter of Credit shall continue until the work is in compliance with Township's specifications.

ARTICLE V: It is intended that all improvements built pursuant to the Plan shall be private until offered for dedication and formally accepted by the Township pursuant to Article VI.

ARTICLE VI: Upon satisfactory completion of the improvements under this Agreement, Township agrees to make a final observation and release Owner from any obligation to maintain the Letter of Credit if the improvements meet Township's specifications. Despite final observation, all improvements shall be deemed to be private improvements until such time as the same have been offered for dedication and formally accepted by the Township by ordinance, resolution, deed or other formal document. Prior to dedication, and in addition "as built" drawings of the rights-of-way.

ARTICLE VII: Legal, engineering, observation, and administration costs incurred by Township under this Agreement in regard to the improvements set forth in Exhibit "A" shall be paid by Owner. All said fees must be paid in full before the Letter of Credit is released.

All improvements as specified herein shall be completed on or before one (1) year from the date hereof. Should said improvements not be completed, then and in the event Township's Engineer may notify the Township that the Owner has defaulted. Upon written application, the Supervisors, at their discretion, may extend from time to time the one year period by not more than two additional years by formal resolution.

ARTICLE VIII: The specifications for the various improvements are those set forth on the Plan. All improvements are to be constructed in compliance with the ordinance, resolutions, and regulations of the Township, all of which are by reference are made a part hereof.

ARTICLE IX: Township will, prior to the final release at the time of completion and final review by the Engineer, require a maintenance guarantee in the amount of fifteen (15) percent of the estimated costs of the improvements specified herein, for a period of eighteen months (18) months.

ARTICLE X: Owner agrees to pay all costs involved in establishing and servicing the Letter of Credit with the Bank.

ARTICLE XI: This Agreement shall be construed, performed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

ARTICLE XII: This Agreement is not transferable, without the consent of the Township, which consent shall not be unreasonably withheld.

ARTICLE XIII: This Agreement sets forth the entire Agreement and understanding among the parties as to the subject matter thereof and may be amended subsequent to the date hereof in writing and signed by the party to be bound hereby.

IN WITNESS THEREOF, and intending to be legally bound thereby, the parties hereto have caused these presents to be executed and their corporate seals thereunto affixed, the day and year first written above.

EPHRATA TOWNSHIP

BY: _____

BY: _____

BY: _____

(Owner)

IMPROVEMENT GUARANTEE AGREEMENT - CASH

THIS AGREEMENT is made this day of 199____, by and among **EPHRATA TOWNSHIP**, 265 Akron Road, Ephrata, Lancaster County, Pennsylvania, a second class Township, hereinafter called "Township", and , of Lancaster County, Pennsylvania, hereinafter called "Owner".

WITNESSETH:

WHEREAS, Owner has decided to build improvements on his land according to a Plan with the improvements shown thereon prepared by , Final Plan No. , dated , and revised , hereinafter referred to as the "Plan"; and

WHEREAS, Township requires that security be established to ensure construction in compliance with Township ordinances and resolutions; and

WHEREAS, Owner is willing to provide cash security for the funds required to complete construction in compliance with Township's ordinances and resolutions.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained therein, the parties do agree as follows:

ARTICLE I: Owner will deposit with Township cashing the amount of Dollars and Cents (\$) to be held by Township in an interest bearing account using Owner's Social Security Number or Tax Identification Number as security that Owner will properly construct the improvements set forth on the Plan to Township's satisfaction and reimburse Township for its observation and administration expenses. Attached hereto and marked Exhibit "A" is a copy of the estimated costs of the improvements prepared by the Owner and approved by the Township's Engineer.

ARTICLE II: If Owner defaults or abandons the construction of the said improvements set forth in the Plan, the Township may complete the said improvements using the escrowed funds

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hereinbefore mentioned to pay for said improvements.

ARTICLE III: Township, by its Engineer or other designated person, will observe the construction of the improvements at progressive stages of completion as shall be agreed upon.

ARTICLE IV: In the event there is a difference of opinion as to the quality of the work completed, or as to the completion of the work to meet Township's specifications, the decision of Township's representative shall control and Owner's obligation to provide the cash security shall continue until the work is in compliance with Township's specifications.

ARTICLE V: It is intended that all improvements built pursuant to the Plan shall be private except the following which are intended for dedication to the Township (list or state none).

ARTICLE VI: Upon satisfactory completion of the improvements under this Agreement, Township agrees to make a final observation and release to Owner the cash security and any interest earned thereon if the improvements meet Township's specifications. Despite final observation, all improvements shall be deemed to be private improvements, unless stated otherwise in Paragraph V above. As the work of installing the required improvements proceeds, Owner may request the governing body to release or authorize the release from time to time such portions of financial security for payment to the contractor or contractors performing the work. Township or its agents shall have final say on the amount of escrow to be released but agree to be fair and reasonable.

ARTICLE VII: Legal, engineering and observation costs incurred by Township under this Agreement shall be paid by Owner.

All improvements as specified herein shall be completed on or before one (1) year from the date hereof. Should said improvements not be completed, then and in that event Township's Engineer may notify to the Township that the Owner has defaulted. Upon written application, the Supervisors, at their discretion, may extend from time to time the one (1) year period by not more than two (2) additional years by formal resolution.

ARTICLE VIII: The specifications for the various improvements are those set forth on the Plan last revised and any accompanying documents and shall be constructed in compliance with the

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ordinances, resolutions, and regulations of Township, all of which are by reference made a part hereof.

ARTICLE IX: Township will, prior to the final release at the time of completion and final review by its Engineer, require a maintenance guarantee in the amount of fifteen (15%) percent of the

estimated costs of the improvements specified herein, for a period of eighteen (18) months.

ARTICLE X: This Agreement shall be construed, performed and enforced in accordance with the laws of the Commonwealth of Pennsylvania.

ARTICLE XI: This Agreement is not transferable, without the consent of Township, which consent shall not be unreasonably withheld.

ARTICLE XII: This Agreement sets forth the entire Agreement and understanding among the parties as to the subject matter thereof and may be amended subsequent to the date hereof in writing and signed by the party to be bound hereby.

IN WITNESS WHEREOF, and intending to be legally bound thereby, the parties hereto have caused these presents to be executed and their corporate seals thereunto affixed, the day and year first above written.

EPHRATA TOWNSHIP

BY: _____

BY: _____

BY: _____

_____ (Owner)

APPENDIX 24

**EXHIBIT C
IRREVOCABLE LETTER OF CREDIT**

<u>Date</u>	<u>Expiration Date</u>	<u>Letter of Credit Amount</u> \$
<u>Beneficiary</u>		<u>Applicant</u>
Ephrata Township 265 Akron Road Ephrata, PA 17522		

Gentlemen:

We are issuing in your favor this irrevocable standby Letter of Credit (our number _____) in the amount of _____ Dollars and _____ Cents (\$ _____) available at sight, drawn at your option to be presented at least five (5) days after the date of your invoice to the applicant, but not later than expiration date of this Letter of Credit. This Letter of Credit pertains to the Plan known as the Plan for _____, Plan No. _____, dated _____, 20____, prepared by _____, R.S. and presented to Ephrata Township.

Intending to be legally bound, we hereby agree:

1. That demands, in an aggregate amount not exceeding \$ _____ accompanied by a document in the form attached hereto and marked Exhibit "A" (executed by the Board of Supervisors of Ephrata Township), shall be duly honored if presented to us, at our office at 265 Akron Road, Ephrata, Pennsylvania, within one (1) year (such date hereinafter referred to as the "expiration date"). Payment demands drawn on Letter of Credit # _____ shall be restricted to installation to building to certain improvements on Plan known as the Plan for _____ as described above.
2. This Letter of Credit shall be extended for additional one-year periods upon the expiration date, and upon each anniversary of such date unless thirty (30) days prior to such date or each anniversary of such date we notify the beneficiary in writing, by certified mail, at 265 Akron Road, Ephrata, Pennsylvania 17522, that we elect not to renew this Letter of Credit.

Payment under this Letter of Credit will be made without determination of conditions of facts pertaining to related contractual agreements between the applicant and the beneficiary.

Except as so far otherwise stated herein, this Letter of Credit is subject to the "Uniform

Customs and Practice for Documentary Credit", revised, International Chamber of Commerce Brochure No. 400.

Intending to be legally bound hereby, this Letter of Credit # _____ has been executed
by a duly authorized officer of the _____ Bank.

Sincerely,