

ARTICLE 100 - AUTHORITY, SHORT TITLE, PURPOSE AND JURISDICTION

101 AUTHORITY

The Board of Supervisors of East Lampeter Township, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, hereby enacts and ordains this Ordinance governing subdivisions and land developments within the limits of East Lampeter Township.

102 SHORT TITLE

This Ordinance shall be known and may be cited as the "East Lampeter Township Subdivision and Land Development Ordinance of 2022.

103 PURPOSE

This Ordinance is adopted for the following purposes:

- A. To assist in the orderly, efficient and integrated development of land in accordance with any Comprehensive Plans, stand-alone plan and official map adopted by East Lampeter Township.
- B. To facilitate the rational movement of traffic.
- C. To ensure coordination and conformance of subdivision and land development plans with the public improvements plans of the Township.
- D. To provide for the proper extension of community services and facilities at minimum cost and maximum convenience.
- E. To ensure equitable handling of all subdivision and land development plans by providing uniform standards and procedures.
- F. To promote the general health, safety and welfare of the residents of the Township.
- G. To ensure that the reservation of any area designed for use as public grounds shall be suitably sized and located for its designated uses.).

104 JURISDICTION

- A. In order that the actions of the Board of Supervisors under this Subdivision and Land Development Ordinance may be correlated with all relevant data and

procedures, the Board of Supervisors hereby designates the Township Planning Commission as the agency of the Board of Supervisors:

1. To which all applications relating to either sketch, preliminary or final approval of subdivision and land development plans shall be initially submitted;
 2. With which applicants shall hold all preliminary consultations relating to the plans;
 3. Which shall make recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans; and
 4. Which shall make recommendations to the Board of Supervisors concerning the interpretation of and the granting of modifications to provisions and standards of this ordinance.
- B. No subdivision or land development of any lot, tract or parcel of land shall be made, 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.
- C. The provisions of this ordinance shall not adversely affect an application for approval of a preliminary or final plan which is 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 has been duly filed. When a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application; however, if an application is properly and finally denied, any subsequent application shall be subject to the provisions of this ordinance.
- D. When a plan has received preliminary or final plan approval 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 to complete any aspect of the approved development, including application for final approval, in accordance with the terms of such approval within three (3) years from the date of enactment of this ordinance. In the case of any doubt as to the terms of a preliminary or final plan approval, the terms shall be construed in the 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. The Board of Supervisors may grant an extension to the three (3) year period if it determines that the plan as approved prior to this

Ordinance will not have an adverse effect on the adjoining properties and that a hardship would be created if redesign is required.

ARTICLE 200 - DEFINITIONS

201 DEFINITIONS

Unless otherwise expressly stated, the terms as set forth in this Article shall, for the purpose of this ordinance, have the meaning indicated. Any word used in this Ordinance which is not defined herein but which is defined in the Township Zoning Ordinance shall have the meaning defined in said Zoning Ordinance. Words in the singular include the plural and words in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual. The word "building" shall be construed as if followed by the words "or part thereof". The word "water course" includes "drain", "ditch", and "stream". The words "shall" and "will" are mandatory; the word "may" is permissive.

Access Drive. An improved cartway or paved service road that is located, designed and constructed in order to provide internal vehicular access between the public or private road and through the off-street parking or loading area for the designated use. The term "access drive" shall be synonymous with the term "access lane".

Agent. Any person who, acting for the landowner or developer, submits to the Board of Supervisors subdivision or land development plans for the purpose of obtaining approval thereof.

Alley. A minor right of way, privately or publicly owned, primarily for service access to the rear or sides of lots.

Applicant. A landowner or developer who has filed an application for development including his heirs, successors and assigns.

Application. A submittal, whether preliminary, tentative or final, of plans and necessary supporting information, by the developer, for the purpose of consideration and appropriate action by the Township.

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

Block. An area bounded by three or more streets.

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

Common Open Space. A parcel or parcels of land or 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.

Corner Lot. A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees. The front yard and lot width requirements shall apply to each street to which the corner lot has frontage. The other yards shall be designated as side yards.

Crosswalk. A right of way, municipally or privately owned, intended to furnish access for pedestrians.

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

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Development Plan. The provisions for development; a plat of subdivision: all covenants relating to use; location and bulk of buildings and other structures; intensity of use or density of development; streets, ways, parking facilities; and common open space and public facilities; the phrase “provisions of the development plan” shall mean the written and graphic materials referred to in this definition.

Easement. A defined parcel area of land or right-of-way, which is granted or conveyed for the limited use of land for public, quasi-public or private purposes.

ECHO Housing. A dwelling unit, not having in excess of nine hundred (900) square feet of floor area, occupied by a parent or parents, grandparent or grandparents or lineal descendant of the residents of the principal dwelling on the lot or by a care giver for those individuals. To qualify, the residents of the accessory building must execute an agreement with the Township, on a form prepared by and satisfactory to the Township, which states that the ECHO housing will be occupied solely by individuals qualifying under the above standards, that the dwelling unit will connect to a water supply and sanitary sewer disposal which has been approved by the appropriate authorities, that the ECHO unit is temporary and will be removed when the individuals who qualify under the above standards no longer occupy the unit, that the unit will be located to the side or rear of the principal dwelling unit and that the unit will otherwise comply with all other land use ordinances applicable, including without limitation, the Subdivision and Land Development Ordinance, the Zoning Ordinance and all laws relating to sewage treatment facilities. To qualify as ECHO housing, there shall be no more than three (3) such ECHO housing dwelling units on any one (1) lot or parcel.

Improvements. Any type of structure, paved area, and/or physical changes to the land, including, but not limited to, grading, paving, stormwater management facilities, sidewalks, street signs, traffic control devices, monuments, utilities, water supply facilities and sewage disposal facilities.

Land Development. Subject to the exclusions set forth in Subparagraph C, “land development” includes any of the following activities set forth in Subparagraphs A and B:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. a group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Exclusions - the following are excluded from the definition of “Land Development”:
 - 1. Construction of an apartment as an accessory use in combination with an existing single family dwelling where permitted within the zoning ordinance.
 - 2. The addition of an accessory farm building or “granny flats” or “ECHO housing”, on a lot or lots subordinate to an existing principal building. Granny flats or ECHO housing are limited to those housing units meeting the definition of “ECHO housing” contained in this section of definitions.
 - 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 subsection, 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.

Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any

condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

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

Lot Area, Gross. The total area contained within the deeded property lines.

Lot Area, Net. The total area of a lot within the deeded property lines less the area occupied by street right-of-way's and/or utility easements. Unless otherwise specifically stated within this Subdivision and Land Development Ordinance, the net lot area for all proposed lots shall be no smaller than the required minimum lot size for the zoning district which the lot is located in.

Lot Line. A recorded boundary line of a lot. However, any line that abuts a street or other public or quasi-public street right of way shall be interpreted as the lot line for the purposes of determining the location of the setbacks required by the Zoning Ordinance.

1. **Front Lot Line:** The lot line that is formed and located within the front yard along the street right-of-way line.
2. **Rear Lot Line:** The lot line that is formed and located at the outermost edge of any rear yard.
3. **Side Lot Line:** The lot line that is formed and located at the outermost edge of any side yard.

Modification. Any change, revision, amendment, waiver or variance of the provisions and standards of this Ordinance as may be granted by the Township for a specific plan application.

Plan, Final. A complete and exact subdivision or land development plan prepared for official recording as required by statute, to define property rights, proposed streets, and other public improvements.

Plan, Minor, lot line change; lot add-on plan. A complete and exact subdivision plan strictly for the conveyance of land for the sole purpose of increasing the size of an existing contiguous tractor lot, prepared in accordance with and including all supplementary data specified in Section 311 and Section 403 of this chapter.

Plan, Preliminary. A tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layout of the area to be subdivided and/or developed as a basis for consideration prior to preparation of the final plan.

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

Public Grounds. Includes:

- A. parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. publicly owned or operated scenic and historic sites.

Public Hearing. A formal meeting held pursuant to public notice by the Board of Supervisors or the Township Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

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

Public Notice. Notice that is published or advertised in accordance with the provisions specified by East Lampeter Township and the Pennsylvania Municipalities Code.

Reverse Frontage Lot. Lots that have frontage on two (2) public streets while restricting vehicular access solely from the public street which would front along the commonly identified rear of the lot. The term "reverse frontage lot" shall be also synonymous with the term "through lot". A corner lot shall not be considered a reverse frontage lot.

Right of Way. The width or area of land, which is dedicated or reserved to accommodate streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, crosswalks, pedestrian paths, bicycle lanes, streetlights, and other similar private or public improvements.

- 1. Legal Right-Of-Way: The existing width or area of land, which is currently owned and maintained by East Lampeter Township, the Commonwealth of Pennsylvania, and/or other public agency or authority.
- 2. Required or Proposed Right-Of-Way: The width or area of land, which is determined necessary to reserve and/or dedicate area in order to accommodate future public improvements.

Street. A public or private right-of-way intended for use as a means of vehicular and pedestrian circulation that provides a means of access abutting property, excluding driveways, interior driveways and access drives. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, road and similar terms.

- A. Local Street (Local Access Roads): A street used primarily to provide access to abutting properties.

1. Cul-de-sac: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.
 2. Marginal Access Street: A street parallel and adjacent to an arterial street, and which provides access to abutting properties and controls intersections with collector or arterial streets.
- B. Collector Street: A street which, in addition to providing access to abutting properties, collects traffic from the local street system.
- C. Arterial Street: A street whose primary function is to serve comparatively high volumes of through traffic at speeds higher than desirable on collector and local streets.

Street, Private. A street not offered for dedication or whose dedication was not accepted by the Township.

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 subdivision by lease 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.

Substantially Completed. Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to Section 305 of this ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

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

Walkway. A paved or concrete pedestrian path which is not aligned with a street or parking lot, but which is located on a lot along proposed or existing pedestrian patterns.

ARTICLE 300 - PROCEDURES

301 SKETCH PLAN, PRELIMINARY PLAN, FINAL PLAN REVIEW FEES

- A. Plan review fees may include reasonable and necessary charges by the Township's professional consultants or the Township Engineer for review and report thereon to the Township. Such review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
1. In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
 2. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said review fees and make a determination as to the amount thereof which is reasonable and necessary.
 3. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
 4. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Lancaster County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
 5. The fee of the appointed professional engineer for determining the reasonable and necessary review fees shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original

bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

302 SKETCH PLANS

- A. Developers are encouraged to informally discuss possible development sites with the Planning Commission prior to submission of the preliminary or final plan application especially where the proposed development has the potential of having a significant effect on traffic, storm water or other factors that may directly affect the health, safety and welfare of the general public.
- B. If desired, a sketch plan can be submitted and prepared however a sketch plan is not a mandatory submission. The submission of the sketch plan enables East Lampeter Township to openly discuss the applicant's project and to make recommendations for the applicant to consider in preparing the formal submission.
- C. Submission of a sketch plan shall constitute formal filing of a plan with the Planning Commission.
- D. Sketch plan reviews are not required to be consistent with procedures of the PA MPC.

303 PRELIMINARY PLAN APPLICATION

- A. The applicant may request the Board of Supervisor's consideration of a modification of preliminary plan requirements, including a waiver of the preliminary plan requirements. Preliminary plans are not required in the following circumstances:
 - 1. A subdivision plan of not more than nine (9) residential lots served by public water and sewer facilities and for which no new street provisions are required.
 - 2. Minor plan; lot line change, lot add-on plan.
- B. The preliminary plan application and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Ordinance with the respective private and public service agencies.

- C. One (1) copy of the preliminary plan application and a corresponding digital version of the application, including the preliminary plan, the plan review fees and all supporting information required in Section 401 of this Ordinance, shall be submitted to the Director of Planning of the Township. The Director of Planning shall submit all applications to the Township Planning Commission for its review and recommendations prior to review and approval by the Board of Supervisors.
- D. In addition to submitting the required material in accordance with Subsection C, of this Section, the applicant shall be responsible for forwarding copies of the preliminary plan application for subdivision and land development to the Lancaster County Planning Department, East Lampeter Sewer Authority and any adjacent municipality identified by the Township as being affected by the development for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant. The Board of Supervisors shall not approve any preliminary plan application until the reports from the Lancaster County Planning Commission and the adjacent municipality are received or until the expiration of thirty (30) days from the date the application was forwarded to the Lancaster County Planning Commission and the adjacent municipality.
- E. In general, the Township Planning Commission will schedule a briefing of the preliminary plan application following submission. The Township Planning Commission will take action on the plan within the specified Municipality Planning Code timeframes. .
- F. The Township Planning Commission will discuss the preliminary 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. The preliminary plan application shall then be submitted by the Township Planning Commission, together with its analysis and recommendations, to the Board of Supervisors for consideration.
- G. Any act or recommendation of the Township Planning Commission which involves engineering consideration may be subject to review and comment by the Township Engineer, whose comments shall be incorporated and separately set forth with the analysis and recommendations of the Township Planning Commission to the Board of Supervisors.
- H. Before acting on any subdivision plat, the Board of Supervisors may hold a public hearing therein after public notice.
- I. All applications for approval of a plat shall be acted upon by the Board of Supervisors which shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Township Planning Commission (whichever first reviews the

application) 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 day following the day the application has been filed.

1. The decision of the Board of Supervisors 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.
 2. When the approval of a plat is subject to conditions imposed by the Board of Supervisors, the approval of the plat shall be rescinded automatically upon the failure of the applicant to accept or reject such conditions in writing not later than thirty (30) days following the decision.
 3. When the application is not approved in terms as filed, or if the application is approved with conditions, 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 to the provisions of the Ordinance relied upon.
 4. Failure of the Board of Supervisors 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.
- J. Approval of the preliminary plan application shall constitute approval of the development as to the character and intensity of development, the arrangement and approximate dimension of streets, lots and other planned features, but shall not authorize the sale of lots, the lease of land, buildings or portions of buildings, or the development of land.

304 FINAL PLAN APPLICATION

- A. Final plan applications for the entire project shall be submitted within three (3) years after the Board of Supervisors has approved the preliminary plan application. Final plan applications may either be submitted in sections, each section covering a portion of the entire development shown on the preliminary plan application if the relationship of the part to the whole is clearly shown, or the final plan can be for the entire project.
- B. Unless an extension of time has been granted by the Board of Supervisors upon written request, a final plan application submitted after the three (3) year period

shall be considered a new preliminary plan application and shall be required to comply with the plan application requirements listed in Section 402 of this Ordinance.

- C. The final plan applications shall conform in all important respects with the preliminary plan application previously approved by the Township and shall incorporate modifications and revisions specified by the Board of Supervisors in its conditional approval of the preliminary plan application. If the final plan does not so conform, the developer may in writing request to have the application be considered as a revised preliminary plan application, in which case it shall be required to comply. With the plan application requirements listed in Section 402 of this Ordinance.
- D. Two copies of the final plan application and a corresponding digital version of the application, including the final plan, the plan review fees and all supporting information required in Section 402 of this Ordinance, shall be submitted to the Secretary of the Township. The Township Director of Planning shall submit all applications to the Township Planning Commission for its review and recommendations prior to review and approval by the Board of Supervisors.
- E. In addition to submitting the required material in accordance with Subsection D. of this Section, the applicant shall be responsible for forwarding copies of the final plan application for subdivision and land development to the Lancaster County Planning Department and any adjacent municipality identified by the Township as being affected by the development for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant. The Board of Supervisors shall not approve any final plan application until the reports from the Lancaster County Planning Commission and the adjacent municipality are received or until the expiration of thirty (30) days from the date the application was forwarded to the Lancaster County Planning Commission and the adjacent municipality.
- F. In general, the Township Planning Commission will schedule the final plan briefing following submission to the Township. The Township Planning Commission will take action on the final plan within the specified Municipality Planning Code timeframes.
- G. The Township Planning Commission will discuss the final 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. The final plan application shall then be submitted by the Township Planning Commission, together with its analysis and recommendations, to the Board of Supervisors for consideration.

- H. Any act or recommendation of the Township Planning Commission which involves engineering consideration may be subject to review and comment by the Township Engineer, whose comments shall be incorporated and separately set forth with the analysis and recommendations of the Township Planning Commission to the Board of Supervisors.
- I. Before acting on any subdivision plat, the Board of Supervisors may hold a public hearing therein after public notice.
- J. All applications for approval of a plat shall be acted upon by the Board of Supervisors which shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Board of Supervisors or the Township Planning Commission (whichever first reviews the application) 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 day application has been filed.
 - 1. The decision of the Board of Supervisors 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.
 - 2. When the approval of a plat is subject to conditions imposed by the Board of Supervisors, the approval of the plat shall be rescinded automatically upon the failure of the applicant to accept or reject such conditions in writing not later than thirty (30) days following the decision.
 - 3. When the application is not approved in terms as filed, or if the application is approved with conditions, 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 to the provisions of the Ordinance relied upon.
 - 4. Failure of the Board of Supervisors 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.
- K. No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit 15 required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted.

305 COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PRIOR TO FINAL PLAT APPROVAL

- A. No plat shall be finally approved unless the streets, walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Ordinance have been installed in accordance with Article of this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required pursuant to Subsection I of this Section, the developer shall deposit financial security in favor of the Township in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
- B. When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial security agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the Board of Supervisors. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- C. Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.
- D. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- E. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for

completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this Subsection.

- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or 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 applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- H. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.
- I. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by section or stages of development subject to other requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

306 RECORDING OF FINAL PLATS

- A. Upon the approval of a final plat, the developer shall within ninety (90) days of such final approval record such plat in the office of the Lancaster County Recorder of Deeds. Should the plat not be recorded within such period, the action of the Board of Supervisors shall become null and void. The final plat to be recorded shall be an exact copy of the approved final plan prepared in accordance with the provisions of this Ordinance and shall bear the signatures of the representatives of the Board of Supervisors, the Township Planning Commission, and the Lancaster County Planning Department . The County Recorder of Deeds shall not accept any plat for recording, unless such plat officially notes the approval of the Board of Supervisors and review by the Lancaster County Planning Department. The applicant shall also provide the Township with two paper and one digital copy of the plans after recording.
- B. Until such time as the final plat receives final plan approval and is recorded in the office of the Lancaster County Recorder of Deeds, no lots shall be sold or conveyed, no construction shall be initiated on any buildings, no work shall be initiated on any land development, no grading of the site shall take place and no work shall be initiated with regard to any site improvements, except for improvements constructed prior to final plan approval in accordance with Subsection A of Section 305.
- C. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.
- D. Recording of the final plat after approval of the Board of Supervisors shall have the effect of an irrevocable offer to dedicate to the public use, all streets and other public areas shown thereon, unless reserved by the developer as hereinafter provided. The approval of the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated streets or public areas until the Board of Supervisors shall have accepted the same by ordinance or resolution.
- E. If certain areas, streets or alleys are proposed to remain in private ownership, the developer shall place a notation on the final plan to the effect that there is no offer of dedication to the public of such designated areas, streets or alleys, in which event, the title to such areas shall remain with the landowner, and the Board of Supervisors shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the final plan.

- F. After a plat has been approved and recorded as provided in this Article, all streets and public grounds on such plat shall be, and become a part of the official map of the Township without public hearing.

307 INSPECTION OF IMPROVEMENTS DURING CONSTRUCTION

- A. Unless specifically stated otherwise within this Article, the Board of Supervisors hereby designates the Road Superintendent to act on its behalf in the making of all inspections; provided, however, that the formal acceptance of any street, and the execution of any documents related thereto, is reserved to the Board of Supervisors. The Road Superintendent, where he deems appropriate, may seek the assistance of the Township Engineer.
- B. At the time of initiation of construction, the developer shall notify the Township Director of Public Works or Director of Planning so that the Road Superintendent may inspect the street and other improvements during construction. The Township shall also be notified two (2) days in advance of the intended date of construction of the street base so that the sub-grade may be inspected, and one (1) day in advance of the intended date of construction of the paved surface so that the base course may be inspected. No provisions as stated herein shall be construed as mandating periodic inspections and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction.
- C. The Township, at the request of the developer, reserves the right to request tests of the street to determine whether the street complies in all respects with the requirements of the Township.

308 COMPLETION OF IMPROVEMENTS AFTER FINAL PLAN RECORDING

- A. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior

to final release at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

- B. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat, the Township shall not condition the Issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the late or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public streets to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or late in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith 15 hereby expressly repealed.

309 FINAL INSPECTION AND RELEASE OF IMPROVEMENT GUARANTEE

- A. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors 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 of Supervisors, 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 of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non approval or rejection.
- B. The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of the Board of Supervisors with relation thereto.
- C. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

- D. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- E. 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 of Supervisors or the Township Engineer.
- F. Where herein reference is made to the Township Engineer, he shall be as a consultant thereto.
- G. The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.
 - 1. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
 - 2. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - 3. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
 - 4. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Lancaster

County Court of Common Pleas (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.

5. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000) or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.

H. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

310 DEDICATION OF IMPROVEMENTS AND MAINTENANCE GUARANTEE

A. All streets, parks or other improvements shown on the subdivision or land development plan, recorded or otherwise, shall be deemed to be private and shall not impose any duty upon the Township concerning maintenance or improvement until such time as the same has been offered for dedication to the Township and accepted by the Board of Supervisors as required herein.

B. Nothing in this Section shall imply that the Board of Supervisors is bound to accept a street, park or other improvement if all conditions are in compliance as required herein.

C. Prior to acceptance of any street, street name signs shall be erected by the developer in accordance with standards promulgated by the Board of Supervisors pursuant to a resolution.

- D. The developer may offer to dedicate any street, park or other improvement so indicated for dedication on the recorded final plat. Such offer of dedication shall be accompanied by a deed of dedication for the street, park or other improvement, and a fee to cover recording costs and the cost of preparing the resolution of acceptance.
- E. Before acceptance of any street, park or other improvement, the Board of Supervisors may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication unless otherwise determined by Board of Supervisors. Said financial security shall be of the same type as otherwise required in this Article with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
- F. Township shall not accept dedication of a roadway until 100% of lots are developed.
- F. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
- G. If the deed of dedication and the maintenance guarantee are found to be in proper order and, upon final inspection, the improvements are determined to meet the required specifications of the Township, the Board of Supervisors may adopt a resolution accepting the street, park or other improvement. Upon adoption of such resolution, the Board of Supervisors shall execute the deed containing a notation that the street, park or other improvement has been accepted for future maintenance and repair. No street, park or other improvement shall be considered finally accepted by the Township until the deed has been recorded and filed within the Lancaster County Recorder of Deeds.
- H. After a street has been finally accepted by the Township, no person, firm or corporation shall cut into, destroy or disturb said street or any part thereof in any manner for a period of five (5) years from the date of final acceptance. Thereafter, no person, firm or corporation shall cut into, destroy or disturb said street in any manner whatsoever without first obtaining a permit to do so from the Township. Said permit need not be issued by the Township unless the cutting, destruction or disturbance is required for the laying of utility lines and the person, firm or corporation seeking the permit posts with the Township a bond with corporate

surety or other assurances satisfactory to the Board of Supervisors in an amount equal to the anticipated cost of total restoration of the disturbed surface. Said bond or other assurance shall guarantee the Township that the disturbed street, and the surrounding area a distance of ten (10) feet in all directions therefrom, will be restored by said person, firm or corporation to the original condition of the site prior to disturbance. The restoration of the street shall be done under the supervision and direction of the Township Road Superintendent.

311 EFFECT OF CHANGES TO GOVERNING ORDINANCES OR PLANS

Changes in any governing ordinance or plan shall affect plats as follows:

- A. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision and land development or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and 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 was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- B. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
- C. Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the 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.
- D. Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of any Township ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.

- E. In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- F. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.
- G. Failure of landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial preliminary plan submission.

312 MINOR PLAN, LOT-LINE CHANGE; LOT ADD-ON

Applicants for approval of plans which propose to alter the location of lot lines that meet the following criteria shall not be required to submit a sketch plan and shall not be required to seek preliminary plan approval and shall be permitted to file a single application for final plan approval. All applicants who seek processing in accordance with this section shall submit plans and documentation meeting all requirements of Section 403.

- A. Lot line change/lot add-on requirements. Lot line change/lot add-on plans shall only be permitted when:
 1. No lot or tract of land is created which is smaller than the minimum nor larger than the maximum lot size permitted by the East Lampeter Township Zoning Ordinance.
 2. Drainage easements of rights-of-way are not altered.

3. Access to the affected parcels is not changed.
 4. Street alignments are not changed.
 5. No new lots are created.
 6. Property pins are identified by surveyor.
- B. Deed required. A copy of the deed to be recorded for the receiving tract shall be submitted prior to recording of the lot line change/lot add-on plan. The deed shall provide a description of the receiving tract which reflects the proposal to join it in common with the acreage to be conveyed.
- C. Lot line change/lot add-on plan submission and recording procedures. In every case where a proposal conforms to the requirements of this section, the application shall comply with the following procedures:
1. Submit to the Township one paper copy and one PDF file of a lot line change/lot add-on plan, including any supplemental documents, prepared to the standards specified in Section 403 of this chapter, one correctly completed application form, and the appropriate filing fee.
 2. If the plan is approved, 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. The applicant shall provide one set of recorded plans to the Township (paper and PDF format).
 3. All plans approved under this subsection shall be recorded as specified in this chapter.

ARTICLE 400 - PLAN APPLICATION REQUIREMENTS

401 PRELIMINARY PLAN APPLICATION

- A. The copies of all plans submitted with the application for preliminary plan approval can be either black and white or blue and white prints. The sheet size shall be 24 inches by 36 inches (24" x 36").
- B. The application for preliminary plan approval shall contain a preliminary plan which shall be clearly and legibly drawn at a standard scale of 10 feet to 50 feet to the inch. If the plan is prepared in two or more sheets, a key map showing the location of the sheets and a match line shall be placed on each sheet. If more than one 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). The plan shall show the following information:
1. Proposed subdivision or land development name or identifying title and the municipality or municipalities in which the subdivision or land development is located.
 2. Name and address of the landowner of the tract or of his authorized agent, if any, and of the developer.
 3. North point, written scale, graphic scale, plan date, and the dates of all revisions to the plan.
 4. Total acreage of the tract and number of lots or dwelling units.
 5. Proposed land uses.
 6. Zoning requirements of the development including the names of all zoning districts and the minimum required lot area for each district.
 7. A location map of the development at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided or developed.
 8. Tract boundaries showing distances and bearings.
 9. Contours of existing elevations at intervals of two (2) feet. In areas of steep slopes (greater than 15%), five (5) foot contour intervals may be used; location of bench mark and datum used. United States Geodetic Surveys are not acceptable.

10. Soils types as indicated by the SCS USDA Soil Survey of Lancaster County.
11. The names of all owners of all immediately adjacent undeveloped land; the names of all proposed or existing developments immediately adjacent, and the locations and dimensions of any streets or easements shown thereon; the names, locations and dimensions of all existing streets, railroads, public sewers, public water mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, storm drains, watercourses, one hundred (100) year floodplain, and other significant features on or within two hundred (200) feet of any part of the property proposed to be developed and the location of all buildings and approximate location of all tree masses within the property.
12. The location and width of any streets or other public ways or places shown upon an adopted local or County plan, if such exists for the area to be subdivided or developed.
13. The full plan of the development, showing the location and extent of proposed construction for all proposed and existing streets, utility easements, parks, playgrounds, and other public areas; proposed building setback lines for each street; proposed lot lines and approximate dimensions of lots; lot numbers and/or block numbers in consecutive order; building locations, private streets and parking compounds in relation to land developments; and all streets and other areas designed for appurtenant facilities, public use, or proposed to be dedicated or reserved for future public use, together with the conditions of such dedications or reservations.
14. The approximate location, size and material of any proposed capped sewers, house connections, sewers, sewage disposal plant, proposed connection with existing facilities, and any other sewerage facilities.
15. The approximate location, size, and material of any proposed individual, community or public water supply facilities, and proposed connections with existing facilities.
16. Storm water management control measures and devices (temporary and permanent), and runoff calculations for the proposed project.
17. Typical street cross-sections for each proposed and existing street shown on the preliminary plan.
18. Seal of the engineer, surveyor or landscape architect who prepared the plan

- C. The application for preliminary plan approval shall contain the following supporting information:
1. A preliminary application data sheet.
 2. A description of changes that may be proposed in the provisions of the zoning applicable to the area to be developed and suggested locations of buildings in connection therewith.
 3. Centerline profiles for each proposed street shown on the preliminary plan.
 4. A letter from the Lancaster County-Wide Communications stating that the proposed street names are acceptable.
 5. A sketch plan of the remaining lands of the developer, including the prospective future street system. The street system of the preliminary plan will be considered in the light of adjustments and connections with the future streets as shown in the sketch plan of the remaining lands.
 6. When connection to public water and/or sewer facilities is proposed, assurance of the availability of such service. This assurance shall be in the form of a letter signed by a responsible officer of the company or authority concerned, indicating their ability and willingness to make such service available.
 7. When applicable, notification from the Pennsylvania Department of Environmental Protection (PA DEP) that either approval of the sewer facility plan revision (or plan revision module for land development) or supplement has been granted or that such approval is not required.
 8. A draft of any proposed covenants to run with the land.
 9. A tentative timetable for the proposed sequence of development for the subdivision or land development. The timetable may be in letter form, indicating the order in which activities will occur.
 10. A traffic impact study when required by Section 516 of this Ordinance.
 11. Where the land included in the proposed development has a gas pipeline, petroleum products transmission line, electric transmission line, or any other cable or pipeline located thereon, the application shall be accompanied by a letter from the owner of such pipeline stating minimum distance requirements and restrictions on the use of the land.

12. A check or money order drawn to the Township in the amount specified on the fee schedule, as may be amended from time to time, adopted by resolution of the Board of Supervisors.

402 FINAL PLAN APPLICATION

- A. The copies of all plans submitted with the application for final plan approval can be either black and white or blue and white prints. The sheet size shall be 24 inches by 36 inches (24" x 36").
- B. The application for final plan approval shall be clearly and legibly drawn at a standard scale of 10 feet to 50 feet to the inch. If the plan is prepared in two or more sheets, a key map showing the location of the sheets and a match line shall be placed on each sheet. If more than one 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). The plan shall show the following information:
 1. Name or identifying title of the subdivision or land development and the municipality or municipalities in which it is located.
 2. Name and address of the landowner of the tract and of the developer.
 3. North point, written scale, graphic scale, plan date and the date of all revisions to the plan.
 4. Block and lot numbers in consecutive order; lot areas for each lot with the area being calculated to the existing right of way.
 5. A list of site data including: minimum lot area or average area per dwelling unit; total number of lots or dwelling units; total acreage of the development; density in units per acre or lots per acre; zoning district; and proposed use of land.
 6. Source of title to the land of the subdivision or land development as shown by the books of the Lancaster County Recorder of Deeds.
 7. The names of all owners of all immediately adjacent undeveloped land; the names of all proposed or existing developments immediately adjacent, and the locations and dimensions of any streets or easements shown thereon; the names, locations and dimensions of all existing streets, railroads, public sewers, public water mains and feeder lines, fire hydrants, gas, electric, and oil transmission lines, storm drains, watercourses, one hundred (100) year floodplain, and other significant features on or within two hundred (200) feet of any part of the property proposed to be

developed and the location of all buildings and approximate location of all tree masses within the property.

8. A location map of the development at a minimum scale of two thousand (2,000) feet to the inch, showing the relation of the tract to adjoining property and to all streets and municipal boundaries existing within one thousand (1,000) feet of any part of the property proposed to be subdivided or developed.
9. Lot lines with accurate bearings and distances. Distances shall be to the nearest hundredth of a foot, and shall exclude areas within any existing street right of way.
10. Pedestrian ways, including all sidewalks, crosswalks, walkways, and pedestrian rights of way to be used for general public use.
11. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public, or community use along with exact extent of street construction and dedication; all areas to which title is reserved by owner.
12. Accurate boundary lines, with dimensions and bearings, which provide a survey of the tract, closing with an error of not more than one (1) foot in ten thousand (10,000) feet.
13. Approximate distances to the intersection of the centerlines of the nearest established street intersection or official monuments.
14. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
15. Complete curve data for all street centerline and street right of way line curves included in the plan, including radius, delta angle, tangent, arc, and chord bearing and distance. Curve segments included in lot descriptions shall be comprised of arc and chord bearing and distance. At street intersections, tangent distance shall be included.
16. Street centerlines and street right of way lines with accurate dimensions in feet and hundredths of feet, with bearing of such street lines.
17. Street names.
18. Location and material of all permanent monuments and lot markers including a note that all monuments and lot markers are set or indicating when they will be set.

19. Easements for utilities and any limitations on such easements.
20. Building setback lines not less than the minimum as fixed by the zoning ordinance, or any other setback lines established by this Ordinance, or by public authority, or those specified in any deed restrictions, whichever is greater.
21. Clear sight triangles at all street intersections.
22. Typical street cross-sections for each proposed and existing street shown on the final plan.
23. Location of all buildings, private streets, and parking compounds on land development plans.
24. A note indicating the type sewer and water facilities to be provided for the development.
25. A note to be placed on the plan indicating any area that is not to be offered for dedication.
26. A note indicating the Township is not responsible for construction or maintenance of any area not dedicated for public use.
27. A note indicating that the proper number of parking spaces, as required by the Zoning Ordinance, shall be located on each lot.
28. A note indicating a pre-construction meeting is required.
29. The following certificates shall be shown on the plan:
 - a. Certificate, signature, and seal of the surveyor to the effect that the survey is correct. Certificate, signature, and seal of the surveyor, engineer, or landscape architect that prepared the plan that all other information shown on the plan is accurate.
 - b. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner of the property, to the effect that the subdivision or land development shown on the final plan is the act and deed of the landowner, that he is the owner of the property shown on the survey and plan, and that he desires the same to be recorded as such. Said statement shall be dated following the last change or revision to the final plan.

- c. Certificate of dedication of streets and other public property.
 - d. Certificate for approval by the Board of Supervisors.
 - e. Certificate for approval by the Planning Commission.
 - f. Certificate for approval by the Township Engineer, if required by the Board of Supervisors.
 - g. Certificate acknowledging that the plan has been reviewed by the Lancaster County Planning Commission.
 - h. A certificate to accommodate the recording information affixed by the Lancaster County Recorder of Deeds.
29. Location of all street name and traffic signs.
30. Safe Stopping Sight Distance (SSSD) for all existing and proposed drive way and street intersections.
31. A note to be placed on the plan indicating that, prior to the use and occupancy of a lot, the street number for the lot shall be required to be displayed in a location clearly visible and readable from all adjacent streets. Where a lot contains multiple buildings or dwelling units, the applicant shall also document on the plan how each building and dwelling unit will be identified prior to its use and occupancy in a manner acceptable to the Board of Supervisors so that emergency services can easily identify the location of every building and dwelling unit in a time of emergency.
32. Identification of all prior recorded plans for the subject tract, identifying all notes and/or restrictions on such prior recorded plans affecting the current development together with a verification signed by the design professional that such list is complete and correct.
33. Soil types as indicated by the SCS USDA Soil Survey of Lancaster County.
34. In the case of a plan which requires access to a highway under the jurisdiction of PennDOT (Pennsylvania Department of Transportation), the inclusion of the following plan note:

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

the State highway shall only be as authorized by a highway occupancy permit, and the Board of Supervisors' approval of this plan in no way implies that such permit can be acquired.

- C. The application for final plan approval shall contain the following supporting information:
1. A final application data sheet.
 2. Final plans, profiles and cross-sections for street improvements, sanitary sewerage facilities, storm water management facilities, and water distribution systems, and including all improvements to existing streets within or adjacent to the tract that are proposed to be improved.
 3. Restrictions of all types which will run with the land and become covenants in the deeds of lands shown on the plans, which may be subject to the approval of the Township Solicitor.
 4. All covenants running with the land governing the reservation and maintenance of dedicated or undedicated land or open space, which may be subject to the approval of the Township Solicitor.
 5. A private street agreement establishing the conditions under which a private street will be constructed and maintained.
 6. Where lot sizes or number of dwelling units are based on public water and/or public sewer facilities, assurance acceptable to the Board of Supervisors that such facilities will be installed.
 7. A grading plan, in the case of land development, showing existing grades and proposed finished grades on the site.
 8. A planting plan, in the case of land development, showing the location, size and type of all plant material to be installed on the site.
 9. A storm water management plan, including storm water runoff calculations for pre-development and post-development conditions. Such plan shall be certified, with seal and signature, by the registered individual responsible for the plan.
 10. When required, notification from the Lancaster County Conservation District (LCCD) that an acceptable erosion and sedimentation control Plan/NPDES plan has been submitted and approved by that agency.

11. Such certificates or letters of approval by proper authorities as required by the Board of Supervisors, including certificates approving the water supply system and sanitary sewer system of the subdivision and land development. If water is to be provided by means other than by private wells owned and maintained by the individual landowners of lots within the subdivision or land development, applicants shall present evidence to the Board of Supervisors that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
12. A plan, approved by the proper utility company, showing the location and type of street lights to be installed, if applicable.
13. When applicable, notification from the Pennsylvania Department of Environmental Protection (PA DEP) that either approval of the sewer facility plan revision (or plan revision module for land development) or supplement has been granted or that such approval is not required.
14. For development plans which include construction of public sewer extensions, pump stations, force mains or other similar facilities, a properly executed application for a Pennsylvania Department of Environmental Resources Water Quality Management Permit or Sewer Extension Permit where applicable.
15. One of the following for guaranteeing improvements:
 - a. A certificate from the developer, signed by the Board of Supervisors, that all improvements and installations in the subdivision or land development required by this Ordinance have been made or installed in accordance with specifications; or
 - b. A performance bond, certified check or other financial security, which financial security may include a lending institution letter of credit or a restrictive or escrow account in a lending institution, satisfactory to the Board of Supervisors, which shall:
 - (1) Be made payable to or inure to the benefit of the Township;
 - (2) Be in an amount determined by the Township to be sufficient to complete the improvements and installation in compliance with this ordinance.

- (3) In the case of a bond, it shall also
 - (i) Be with surety satisfactory to the Township;
 - (ii) Be in form, sufficiency, and execution acceptable to the Township.
- (4) The bond, certified check, or other financial securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the Township. Then the improvements have been completed and approved by the Township, the guarantee shall be released and returned. As the required improvements progress and are approved by the Township, a portion of the bond, monies or other security commensurate with the cost of the improvement may be released and returned.
- (5) In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund.

403 MINOR PLAN, LOT-LINE CHANGE; LOT ADD-ON

A. Plans which propose to alter the location of lot lines shall be prepared by a registered surveyor and shall meet all of the following requirements:

B. Drafting standards.

1. The plan shall be clearly and legibly drawn on twenty-four-inch-by-thirty-six-inch sheets (24" x 36"). .
2. Dimensions shall be in degrees, minutes, and seconds with an error of closure no greater than one foot in 10,000 feet.

C. Plan information. The following information shall be provided:

1. Project name.
2. Name of the Township and, if applicable, any other municipality in which the project is located.
3. Name and address of the owner of the tract and all adjacent landowners affected by the proposed conveyance.
4. Name and address of the firm that prepared the plan and the file or project number assigned by the firm.

5. A North arrow, graphic scale, written scale, plan date and the date(s) of all plan revisions.
6. A location map, at a scale of not less than one inch equal to 2,000 feet, with sufficient information to locate the specific property involved. All existing roads in the vicinity of the site shall be identified.
7. The total number of lots, total acreage, density of development, present zoning classification, and minimum lot area requirements.
8. The location, size and dimensions of existing right-of-way easements and utilities on or adjacent to both the conveying and receiving tracts.
9. The names of all immediately adjacent landowners and the names and plan book record numbers of all previously recorded plans for projects adjacent to either the conveying or receiving tract.
10. Source of title to the tract being subdivided.
11. An accurate description of the parcel to be conveyed. If the remainder of the conveying tract has a lot area of 10 acres or less, it must also be described to the accuracy requirements of this chapter. If the remaining acreage is in excess of 10 acres, its boundary and the boundary of the receiving tract shall be described by deed plottings drawn at a legible scale.
12. Location and material of all permanent monuments and lot line markers, including a note indicating where they will be set.
13. Lot numbers.
14. Identification of any modifications granted by the Board of Supervisors.

D. Certificates.

1. Certificate, signature, and seal of the surveyor to the effect that the survey is correct. Certificate, signature, and seal of the surveyor, engineer, or landscape architect that prepared the plan that all other information shown on the plan is accurate.
2. Certificate of review by the Township Planning Commission.
3. Certificate for approval by the Board of Supervisors.
4. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner, to the effect that the subdivision as shown on the plan is the act and deed of the owner, that all those signing are the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such.

5. A statement, duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the owner of the receiving tract, to the effect that the conveyance as shown on the plan is in accordance with the intent of the landowner, that all those signing are all of the owners of the property shown on the plan and that they desire the same to be recorded as such.
6. Identification of all prior recorded plans for the subject tract, identifying all notes and/or restrictions on such prior recorded plans affecting the current development, together with a verification signed by the design professional that such list is complete and correct.

ARTICLE 500 - DESIGN STANDARDS

501 APPLICATION

All subdivision and land development plans approved by the Board of Supervisors shall comply with the following design standards. The standards outlined herein shall be considered minimum requirements for the promotion of the public health, safety, and general welfare.

502 GENERAL STANDARDS

- A. Land shall be developed in conformance with the Township Zoning Ordinance and all other ordinances and regulations in effect in the Township.
- B. The design of subdivisions and land developments shall preserve, insofar as possible, the natural terrain, natural drainage, existing topsoil and trees.
- C. Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be developed for building purposes unless such hazards have been eliminated or unless the plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- D. All portions of a tract being developed shall be utilized in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.

503 STREETS

A. General Street Arrangement

- 1. The location and width of all streets shall conform to the Comprehensive Plan, the Zoning Ordinance, and the Official Map or to such parts thereof as may have been adopted by the Township.
- 2. 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.
- 3. Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- 4. Streets within residential subdivisions and land developments shall be so designed with a hierarchy of levels; however, the arrangement of streets shall provide for the continuation of existing or platted streets and proper

access to adjoining undeveloped residentially zoned lots suitable for future subdivision or land development. Streets within non-residential subdivisions and land developments shall provide for the continuation of existing or platted streets and proper access to adjoining undeveloped commercially or industrially zoned tracts suitable for future subdivision and land development.

5. All required improvements, including but not limited to existing and proposed streets, sanitary sewer and water facilities, storm water management facilities and all other improvements, that are to be installed in the right of way of existing and proposed streets shall be extended to the boundary lines of the development to provide access to adjacent lands. All such existing and proposed streets and all required improvements to be located within the street rights of way shall be designed to accommodate the future needs in the Township with respect to street circulation patterns and utility alignments. Where a street extension is to be more than one lot in depth and where there is not an adequate location for vehicles to turn around at the terminus of the street, the Township may require that a paved turn-around with temporary easements for the turn-arounds be provided.
6. If lots resulting from subdivision are large enough to permit further subdivision or development, or if a portion of the lot is not subdivided or developed, adequate street rights of way to permit further subdivision or development of the lot shall be provided as necessary.
7. Half streets at the perimeter of the development or partial streets with less than required right of way or cartway width shall not be permitted.
8. Where a development abuts a collector or arterial street, the Board of supervisors 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.
9. 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 and all street names shall be subject to the approval of the Lancaster County-Wide Communications.
10. Whenever design standards for required street improvements are not specified by the Board of supervisors, the applicable standard requirements of the Pennsylvania Department of Transportation's Guidelines for Design of

Local Roads and Streets (PDT Pub. 13M Design Manual 2: Highway Design), as amended, shall govern.

11. All existing streets at the perimeter or within a proposed development shall be improved according to Township specifications. If an existing street is at the perimeter of the development, it shall be fully improved from the right of way line on the development side of the street to the centerline of the street. If an existing street is within the development, it shall be improved to the full width of the street right of way as required by the Township specifications. Adequate right of way in accordance with Township specifications shall be set aside for dedication to the Township for all existing streets to be improved.
12. The developer shall be responsible for the construction of all improvements delineated by a traffic impact study prepared in accordance with Section 516 of this Ordinance as needed to eliminate all adverse conditions created by the traffic generated by the development.
13. The developer shall be responsible for obtaining and installing all street name and traffic signage within the development prior to the use and occupancy of any part of the development, or upon the installation of the binder or wearing course of the adjacent street, whichever comes first. All signage shall be subject to the approval of the Township and shall be consistent with existing signage within the Township.

B. Cul-de-sacs and Turn-arounds

1. Dead-end streets shall be prohibited, except where designed as temporary turn-arounds to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.
2. Cul-de-sacs, whether permanently or temporarily designed, shall not exceed a centerline distance of one thousand (1,000) feet in length and shall not have a centerline distance less than two hundred and fifty (250) 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 face of curb and of one hundred (100) feet to the street right of way line.
3. Any street dead-ended in order to provide for the future continuation of the street into adjoining property or for authorized stage development; shall be fully constructed and all utilities installed. A barrier to prevent vehicular access to adjoining property shall be constructed at the termination point of the street. Where the Board of Supervisors has determined

that a temporary turn-around is required at the terminus of a dead-end street, said turn-around shall be provided with an all-weather surface within the development and the use of such turn-around shall be guaranteed to the public until such time as the street is extended. The temporary turn-around shall be circular with a minimum cartway radius of twenty-five (25) feet and shall remain completely within the right of way.

4. Snow storage easements shall be required at the end of all cul-de-sacs.

C. Horizontal Alignment

1. Horizontal curves shall be used at all horizontal alignment deflections in excess of two (2) degrees.
2. The minimum radius at the centerline for horizontal curves on arterial streets shall be six hundred (600) feet; for collector streets, three hundred (300) feet; and for local streets, one hundred and fifty (150) feet. Proper super-elevation shall be provided for curves on arterial streets.
3. There shall be a tangent of at least one hundred (100) feet between reverse curves for all collector and arterial streets.
4. Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the centerline, four (4) feet above grade, this shall be four hundred (400) feet for arterial streets, two hundred and seventy-five (275) feet for collector streets, and two hundred (200) feet for local streets.

D. Vertical Alignment

1. The minimum grade on all streets shall be seventy-five hundredths (0.75%) percent. The maximum grade on arterial and collector streets shall be six (6%) percent and on local streets, ten (10%) percent.
2. Vertical curves shall be used in changes of grade exceeding one (1%) percent. To provide proper sight distances, the minimum length (in feet) of vertical curves shall be as follows: for arterials, eighty-five (85) times the algebraic difference in grade; for collectors, fifty-five (55) times the algebraic difference in grade; for local streets, thirty (30) times the algebraic difference in grade.
3. The through street at intersections shall be approached by side streets in accordance with the following standards: where the grade of the side street exceeds seven (7%) percent, there shall be a leveling area on the side street with a minimum length of seventy-five (75) feet (measured from the

intersection of the centerlines), within which no grade shall exceed a maximum of four (4%) percent.

E. Intersections

1. No more than two (2) streets shall intersect at the same point.
2. Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than seventy-five (75) degrees.
3. Two (2) streets intersecting at opposite sides of a through street shall intersect at their centerlines or their centerlines shall be off-set by a minimum of two hundred (200) feet.
4. Intersections with collector streets entering into arterial streets shall not be located less than one thousand (1,000) feet apart on the same side of the arterial street measured from centerline to centerline of the collector streets.
5. A fifty (50) clear sight triangle shall be provided and maintained at all street intersections. The triangle shall be established by measuring fifty (50) feet from the point of intersection of the centerlines of the streets. No building, planting or other obstruction above the height of three (3) feet and below ten (10) feet in height that would obscure the vision of a motorist shall be permitted within the area. The height shall be measured from the centerline grade of the intersecting streets. This requirement shall not apply to traffic signals, traffic signs, street name signs, public utility poles and similar type structures.
6. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) feet for local streets and thirty (30) feet for intersections involving collector or arterial streets. The right of way radii at intersections shall be substantially concentric with the edge of the cartway.
7. At least two (2) street name signs shall be placed at each four-way street intersection, and one (1) street name sign shall be placed at each "T" intersection. Signs shall be installed in a location and manner where they will be clearly visible at all hours. The design of street name signs shall be approved by the Board of Supervisors.
8. All streets intersecting a state highway shall be subject to the approval of the Pennsylvania Department of Transportation.

F. Private Streets

1. Streets providing primary vehicular access through subdivisions or land developments to other subdivisions or land developments shall be public streets and shall be connected directly to other public streets; however, where required by the Township Board of Supervisors, alternate vehicular access shall be provided between land developments of similar or compatible uses by private streets connected to the other private streets within each land development. All other streets within a land development are permitted to remain private.
3. Private streets shall not be offered for dedication unless they meet all public street design standards.
4. There shall be a note on each preliminary and final plan indicating those streets that are not intended for dedication.
5. There shall be a note on each preliminary and final plan indicating that private streets will have off-street parking.
6. Private streets shall adhere to all design standards of a public street except for those standards for which private streets are specifically excluded in this Ordinance.
7. Private streets shall be permitted to terminate in an off-street parking facility in lieu of a cul-de-sac turnaround.
8. Applications which propose a private street shall be accompanied by an agreement which shall be recorded with the Lancaster County Recorder of Deeds as part of the Final Plan. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication, and shall stipulate:
 - a. That the street shall be constructed and maintained to conform to the specifications of this Ordinance.
 - b. That the owners of the abutting lots will include, with any future offer for dedication, sufficient monies, as estimated by the municipality, to restore the street to conformance with the prevailing standards.
 - c. That an offer for dedication of the street shall be made only for the street as a whole.

- d. The method of assessing maintenance and repair cost.
- e. 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.

G. Widths

- 1. Minimum right-of-way and cartway widths shall be as outlined within the East Lampeter Township Technical Specifications and Standard Detail document.
- 2. Provision for additional cartway width may be required by the Board of Supervisors in specific cases for:
 - a. Public safety and convenience;
 - b. Access to off-street parking in commercial and industrial areas and in areas of high-density residential development.
- 3. The extension of existing streets which are presently constructed with a cartway different from the standards of this Ordinance shall be provided with a transition area, the design of which is subject to approval by the Board of Supervisors.
- 4. Where a proposed development fronts on an existing Township street, or where, in the opinion of the Township Engineer, an existing Township street will be damaged or destroyed beyond normal wear and tear due to the increased volume of traffic generated by a proposed development, the Board of Supervisors reserves the right to require the developer to improve and widen the existing street and to install curbing so as to enable the existing street to be able to adequately accept the increased volume of traffic.
- 5. Where, in the opinion of the Board of Supervisors, a proposed development does not have adequate access to an existing street, or the proposed access is limited in such a manner that it jeopardizes the general health, safety and welfare of the residents of the Township, the Board of Supervisors reserves the right to require the developer to obtain and improve additional access as is necessary to assure proper access.

H. Construction

1. Streets shall be constructed in accordance with the East Lampeter Township Technical Specifications and Standard Detail document as may be amended by resolution of the Board of Supervisors.
2. Where the physical characteristics of the land indicate the need or where streets will be constructed in a commercial or industrial development, or where an existing Township street is being relocated at the request and expense of the developer, the Board of Supervisors reserves the right to alter the method or type of construction or to require the utilization of a specific alternate as described in the East Lampeter Township Technical Specifications and Standard Detail document, as a condition of plan approval.
3. All streets and storm water management facilities shall be constructed in strict accordance with the approved plans and no changes shall be effectuated unless said changes receive the written authorization of the Board of Supervisors. Notwithstanding the provisions herein, the Board of Supervisors reserves the right to require changes during the construction stages of development where in the opinion of the Board of Supervisors or its duly designated representative, because of unusual or unique physical conditions, the anticipated facilities, as shown on the plans, cannot be constructed in accordance with the plans without the same having an adverse effect upon the proposed development, or upon any of the facilities to be constructed therein, or upon adjacent lands.
4. Streets shall be finish graded to the full width of the right of way, surfaced, and improved to the grades and dimensions shown on the plans, profiles, and cross-sections submitted by the developer and approved by the Board of Supervisors.
5. Maximum slopes of banks measured perpendicular to the centerline of the street shall be three to one (3:1) in fill areas and two to one (2:1) in cut areas.
6. Prior to placing the street surface, adequate sub-surface drainage for the streets and all sub-surface utilities as acceptable to the Board of Supervisors shall be provided or installed by the developer. Public Utilities are required to be placed underground in compliance with Public Utility Commission Law of 1970, I.D. 99, dated July 8, 1970.

504 CURBS

- A. Curbs shall be required along both sides of all proposed streets and along each side of any existing streets required to be improved by the Township, whether public or private, and along all new parking compounds.

- B. Curbs shall be installed to the dimensions and construction standards of the Township Technical Specifications and Standard Detail Documents. Applicant and/or contractor shall stamp S and W for sewer and water lines into lot within curbing.
- C. Curbs shall be the standard straight curb type except that standard slant curbing may be used in residential developments where the location of driveways is not known. The transition from one type of curb to another shall be affected only at a street intersection.

505 SIDEWALKS

- A. Sidewalks shall be required along both sides of all proposed streets and along each side of any existing streets required to be improved by the Township in all residential subdivisions and all non-residential subdivisions, other than industrial subdivisions, except for those residential and non-residential subdivisions within the Agricultural Zoning District.
- B. Sidewalks shall be required in any subdivision or land development where it is desirable in the opinion of the Board of Supervisors to continue the sidewalks that are existing in adjacent developments, or to provide access to community facilities (schools, shopping areas, recreation areas, etc.), or to provide access to adjacent undeveloped lands zoned for development, or to insure safety of pedestrians in unusual or peculiar conditions with respect to prospective traffic.
- C. Sidewalks shall be provided along all proposed streets and parking compounds located in land developments unless it can be shown to the satisfaction of the Board of Supervisors that pedestrian traffic does not follow or mix with vehicular traffic, in which case, walkways which are intended to follow pedestrian patterns may be installed in lieu of sidewalks. Such walkways shall not have to meet the construction standards of sidewalks, but their location, construction materials and dimensions are required to be approved by the Board of Supervisors.
- D. When sidewalks are required, they shall be installed to the dimensions and construction standards of the Township.
- E. Sidewalks shall be a minimum of five (5) feet wide, along collector and arterial streets, and adjacent to shopping areas, schools, recreation areas, and other community facilities.
- F. Sidewalks along public streets shall be located within the street right of way one (1) foot from the right of way line. A grass planting strip shall be provided

between the curb and sidewalk unless otherwise approved by the Board of Supervisors.

- G. Sidewalks and walkways along streets and parking compounds shall be located no closer than two (2) feet from the edge of the street or parking compound unless the sidewalk is widened to a minimum of six (6) feet. Sidewalks/trails shall be in accordance with any corridor, streetscape or transportation plan adopted by East Lampeter Township.
- H. Sidewalks/trails shall be designed and constructed per East Lampeter Township specifications and standard details.

506 MONUMENTS AND MARKERS

- A. Permanent stone or concrete monuments shall be accurately placed along the street line at least on one side of each street at the beginning and end of all curves and at all angles.
- B. Markers shall be set at locations shown on the final plans as follows:
 - 1. At all points where lot lines intersect curves, either front or rear;
 - 2. At all angles in property lines of lots;
 - 3. At all other lot corners.
- C. Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. They shall also be marked on the top with a proper inscription or a drill hole. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter.
- D. Monuments and markers shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the monument or marker is level with the surface of the surrounding ground.

507 BLOCKS

- A. In large blocks with interior parks and playgrounds, in exceptionally long blocks where access to a school or shopping center is necessary, or where cross streets are impractical or unnecessary, a cross-walk with a minimum right of way width of twelve (12) feet and a minimum paved cartway width of five (5) feet may be required by the Board of Supervisors.

508 LOTS

- A. All lots shall abut on a public street, or shall have access to an approved private street. In general, side lot lines shall be at right angles or radial to street lines. If, after subdividing, there exist remnants of land, they shall be included in the area of proposed or existing lots.
- B. Lot lines shall, where possible, follow Township Boundary lines rather than cross them.
- C. Corner lots shall have vehicular access solely from the street of lesser intensity unless the developer shows, to the satisfaction of the Board of Supervisors, that additional access to the street of higher intensity, or that sole access to the street of higher intensity, provides for safer and more efficient traffic movement in the vicinity of the lot.
- D. Each lot within a development shall be provided with a street number approved by both the Lancaster County-Wide Communications and the Board of Supervisors. Prior to the use and occupancy of a lot, the street number for the lot shall be required to be displayed in a location clearly visible and readable from the adjacent streets. Where a lot contains multiple buildings or dwelling units, each building and dwelling unit shall be identified prior to its use and occupancy in a manner acceptable to the Board of Supervisors so that emergency services can easily identify the location of every building and dwelling unit in a time of emergency.

509 EASEMENTS

- A. 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.
- B. Utility easements shall have a minimum width of twenty (20) feet. Where feasible, utility companies are encouraged to use common easements.
- C. Utility companies who have registered with the Lancaster County Recorder of Deeds indicating they have utilities located within the Township shall be contacted by the developer prior to any construction.
- D. The applicant shall reserve easements where storm water or surface water management facilities are existing or proposed, whether located within or beyond the boundaries of the property. Easements shall have a minimum width of twenty (20) feet and shall be adequately designed to provide area for (a) the collection and discharge of water, (b) the maintenance, repair and reconstruction of all storm

water management 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.

510 SANITARY SEWAGE DISPOSALS

- A. The method of sanitary sewage disposal shall be approved by the Board of Supervisors.
- B. Public sanitary sewerage improvements shall be constructed in accordance with the standards of the appropriate sewer authority. Whenever standards for such sanitary sewerage improvements are not specified by the sewer authority, the applicable standard requirements of the Pennsylvania Department of Environmental Protection shall govern, and all work shall be performed in the manner prescribed in the standard specifications for sanitary sewer construction of said Department for the type of construction under consideration.
- C. When a public sanitary sewerage system is not available, each lot in a development shall be provided with an individual on-lot sanitary sewage disposal system in accordance with all applicable standards of the Pennsylvania Department of Environmental Protection.
- D. Where feasibility studies of the Township indicate that construction or extension of a public sewerage system appears probable within a reasonable time, the Board of Supervisors may require the installation of capped sewer mains and house connections in addition to the installation of individual on-lot sanitary sewage disposal systems. It shall be the responsibility of the Township to inspect and approve the design and installation of such facilities.
- E. Prior to the construction of any public sewer extension, pump station, force main, treatment plant or other similar sewer facility, a water quality management permit or a sewer extension permit, where applicable, shall be submitted by the developer to the appropriate sewer authority.

511 WATER SUPPLY

- A. Whenever feasible, all subdivisions and land developments shall be provided with a complete water distribution system which shall be connected to a public water system. The design and installation of such system shall be subject to the approval of the appropriate water authority or company.
- B. The design and installation of any local community water distribution system shall be subject to the requirements of the Pennsylvania Department of

Environmental Protection, and such system shall be further subject to satisfactory provision for the maintenance thereof.

- C. When a municipal or community water supply system is not available, each lot in a development shall be provided with an individual water supply system in accordance with all applicable standards of the Pennsylvania Department of Environmental Protection.

512 UTILITY TRANSMISSION LINES

When any natural gas line, petroleum or petroleum products transmission line, electric transmission line or any other cable or pipeline, traverses a development, the developer shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each proposed structure and the transmission line, cable or pipeline.

513 STREET LIGHTING

When street lights are proposed by the developer, a plan for such street lights, approved by the appropriate utility company, shall be provided by the developer to the Planning Commission for review and to the Board of Supervisors for approval upon submission of final subdivision or land development plans.

514 PLANTING

- A. All ground surfaces in a development that are neither paved or covered with some other solid material shall be protected with vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- B. Planting plans, when required, shall show the location, size and name of all trees, shrubs, vegetative screens and ground covers proposed to be installed in the development.
- C. Street trees of a deciduous hardwood type with a minimum width of one and one-half (1 1/2) inches shall, when provided, be planted between the sidewalk and the building line at least five (5) feet from the sidewalk, between the curb and sidewalk provided the planting strip is a minimum of six (6) feet wide, or a minimum of five (5) feet from the curb line when no sidewalk is proposed.

515 PARK, OPEN SPACE & GREENWAY PROVISION

- A. General.

This Section applies to proposals that would create new residential and non-residential development. The purpose of this Section is to implement Section 503

(11) of the Pennsylvania Municipalities Planning Code and thereby provide needed parks, open space and greenways.

This Section 1 is based on the conclusions and recommendations of the adopted Township's Comprehensive Plan(s) and the County Comprehensive Plans.

B. Mandatory Dedication of Land.

1. Land shall either be dedicated to the Township for parks, open space and/or greenways or an alternative action shall be taken from among the choices in Section 3 under either one of the following two situations:
 - a. A proposed land development or subdivision that creates one or more new dwelling units shall dedicate a minimum of .027 acres of land per dwelling unit to the Township.
 - b. A proposed land development or subdivision that creates one or more commercial, industrial or other non-residential principal uses and that involves a total area of 2 acres or more, excluding public and private schools, shall dedicate a minimum of 2.5% of the proposed development's total land area, (including areas of current and proposed public right-of-way) to the Township.

2. The required park, open space and/or greenways associated with a proposed residential or non-residential development shall be distributed as follows (when not specified in the East Lampeter Township Zoning Ordinance):
 - a. **PRIMARY RECREATION SPACE** shall consist of a minimum of 70% of the total required mandatory dedication areas for the proposed project. Primary Recreation Space shall not include any of the natural features that comprise "Greenway or Natural Resources Space (see Paragraph 2 below).

Since the primary purpose of the Primary Recreation Space is for active recreational pursuits, this land should be relatively flat. Therefore, the following guidelines shall be used:

A minimum of 1/2 of the Primary Recreation Space shall have slopes of 5% or under and the remaining 1/2 of the space shall have slopes of 10% or under.
 - b. **GREENWAY OR NATURAL RESOURCE SPACE** may consist of a maximum of 30% of the total required mandatory dedication areas for the proposed project. Greenway or Natural Resource

Space may include floodplains, wetland, steep slopes greater than 10%, storm water detention areas that are unusable for recreation as well as Primary Recreation Space.

C. Mandatory Dedication Alternatives.

The applicant may use one of the following alternatives to mandatory dedication, provided the Township's governing body approves:

1. Construct new and/or improve existing recreation facilities;
2. Pay a fee-in-lieu of land dedication;
3. Guarantee the private reservation and maintenance of parkland, open space and/or greenway; or
4. Provide a combination of the above.

D. Total or Partial Fee in Lieu of Dedication.

Any of the alternatives in Section 515 C must be at least equal to the assessed value modified by the common level ratio of the two types of space (primary recreation and greenway or natural resource) which would have been otherwise required for dedication.

E. Parkland Capital Reserve, Operation, Maintenance and Acquisition Fund.

The applicant shall pay all fees in lieu of land dedication to the Township. Upon receipt of the fees, the Township shall deposit said fees in an interest-bearing account. This account shall be separate from other municipal accounts and shall be clearly identified for the purpose of providing, acquiring, operating or maintaining park or recreational facilities. Interest earned on all monies deposited in such accounts shall become funds of that account. Funds from such accounts may be expended at the discretion of the Township's elected officials for the purpose of providing, acquiring, operating or maintaining park or recreational facilities reasonably accessible to the subdivision or land development for which they were collected. Fees deposited to this account shall be administered as required by the Pennsylvania Municipalities Planning Code.

F. Cash Fee Payments In lieu of Dedication and Expenditure.

The fees shall be paid prior to recording of the Final Plan, unless the applicant agrees, as part of a legally binding development agreement, to pay the required fees prior to the issuance of each building permit for development. If requested by any person who had paid any fee under this section, the Township shall

refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee for a purpose other than the purposes set forth in this section

G. Municipal Fund Reimbursement or Municipal Parks and Open Space Improvements or Acquisition.

From time to time The Township may purchase land for parks, greenways, open space and/or improve existing parks and greenways in or near the area of actual or potential subdivisions and/or developments. If the Township does undertake such action within a distance of 1 and 1/2 miles, subsequent park, greenway and open space land dedications within that area may be a cash fee in lieu of land dedication and be used to reimburse the Township's actual cost of acquiring and/or developing such land for parks, greenways or open space. Once the Township has been reimbursed for all such park, greenway and open space actions within this area, this subsection shall cease to apply and the other subsections of this section shall remain applicable.

H. Primary Recreation Space Design Requirements.

In general, Primary Recreation Space and related open spaces to be set aside and provided for in this section shall include areas for active recreational pursuits. Accordingly, the following design requirements shall apply:

1. The Primary Recreation Space shall be reasonably located so as to serve all of the residents or users of the subdivision or land development;
2. The site(s) shall be located and designed so that safe and convenient access shall be provided to all existing and proposed users. Additionally, each site shall have at least one vehicular access area that is a minimum of twenty-four (24) feet in width;
3. The site(s) shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimensions shall be provided so as to accommodate, where practical, ball fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to existing parkland, dedicated parklands should be provided, where practical, as an expansion of the existing park;
4. The site(s) shall have suitable topography and soil conditions for use and development as active play areas. A minimum of 1/2 of the primary recreation space shall have slopes of 5% or under and the remaining 1/2 of the space shall have slopes of 10% or under. The area of the site considered as the Primary Recreation Space shall be free from floodplains, wetlands,

slopes of over 10% and storm water detention facilities that are not usable for recreation. No more than 10% of the area of the site considered as the primary recreation space shall be located within an easement for overhead utilities.

5. The site(s) shall be located and designed to conveniently access public utilities, which may be extended by the developer, including sanitary sewer, water and electric service. However, no part of an overhead utility easement or any above ground protrusion of an underground utility shall be permitted within the area proposed for active play areas on the site;
6. No part of the site(s) shall be a part of any other required setback, yard, buffer and/or open space required for any adjoining lots or uses as regulated by the Township's Zoning Ordinance;
7. The site shall comply with any applicable design, orientation, size and location guidelines in the Township's Recreation, Parks and Open Space Plan and/or Official Comprehensive Plan.

I. Greenway and Natural Resource Space Design Requirements.

In general, Greenway and Natural Resource Space and related open spaces to be set aside and provided for in this section shall include areas for lineal greenways. These corridors of open space provide ways for people to gain access to residential and non-residential areas, parks, schools, historic sites, town centers, neighborhoods, rural areas and related human settlement points as well as access to water, forest, meadows and other unique natural features and related open space for recreational pursuits.

Some greenways will be for walking, hiking, jogging, biking, horseback riding and even canoeing. Others will be simple and untouched as a stretch of stream bank left wild. Whether developed or not, greenways are exceptional for recreation, education, environmental preservation and important open space corridors that people may use to reach community resources. Accordingly, the following design principles shall apply:

1. **GREENWAY AND NATURAL RESOURCE PLANNING AND DESIGN PRINCIPLES** - The developer and Township shall use the following principles to plan for greenways and natural resource areas:
 - a. Provide greenways along natural areas such as creeks, wetlands, floodplains and edges of water bodies,
 - b. Provide greenways along ridge lines with dramatic views;

- c. Provide greenways along utility easements, rights-of-way and other man-made linear corridors, such as abandoned railroad beds and underground pipelines.
 - d. Provide greenways along highway and street rights-of-way,
 - e. Provide greenways which incorporate parks, schools, urban pedestrian ways and plazas, especially in urban centers with limited parking, traffic congestion and more dense development;
 - f. Provide greenways which incorporate existing pathways, bike routes, trails and sidewalks;
 - g. Provide greenways within expanded buffer areas between different types of land uses;
 - h. Provide greenways which interconnect and loop, giving interest for walkers, bikers and other users;
 - i. Provide greenways which minimize road crossings, especially along major highways with high traffic volumes and fast-moving traffic. When necessary, consider using streets with limited traffic.
2. The Greenway and Natural Resource Space shall be reasonably located so as to serve all of the residents or users of the subdivision or land development.
 3. The site(s) shall be located and designed so that safe and convenient access shall be provided to all existing and proposed users. Additionally, each site shall have at least one vehicular access area that is a minimum of twenty-four (24) feet in width.
 4. Actual dedication of greenways and natural resource areas shall have a minimum width of fifty (50') unless circumstances prohibit this width) and, if dedicated to a township, must be approved by the elected officials.
 5. Any Greenway and Natural Resource Space shall conform to the goals of the municipal recreation, parks and open space plan and official comprehensive plan.
 6. The minimum right-of-way width of an easement containing a trail which crosses private land shall be twenty (20') feet. Easements may be dedicated to the Township, the County or to another organization(s) which, in the judgment of the Township's elected officials, is/are appropriate. In all cases; however, such easements must provide for public use.

7. All walkways, bikeways or other access ways must have a minimum vertical clearance of not less than ten (10) feet and a minimum walkway width of not less than five (5) feet.
 8. Greenway and Natural Resource Space may include floodplains, wetlands, steep slopes greater than 10% and storm water detention areas that are not usable for recreation purposes, as well as Primary Recreation Space. Any walkway, bikeway, trail or other man-made features or use areas may be located in a wetlands area only after Township and State approvals.
- J. If any part of this ordinance is declared invalid or unenforceable, the Board of Supervisors hereby declares it to be their intent to adopt the balance of the ordinance without the invalid or unenforceable provision, and therefore the invalidity or unenforceability of any provision shall not affect the remaining portion of the ordinance.

516 TRAFFIC IMPACT STUDIES

A. When Required

A traffic impact study shall be required to be prepared whenever one of the following conditions exist within the local area of a proposed development:

1. Whenever a proposed development will generate one hundred (100) new vehicle trips (inbound and outbound combined) during the peak traffic hour for the development;
2. Whenever current traffic problems exist in the local area of a proposed development which will directly affect access to the development, including but not limited to a high accident location, a confusing highway alignment, a confusing intersection alignment, or a congested intersection; or
3. Whenever the ability of the existing street system to handle increased traffic, or the feasibility of improving the street system to handle traffic, is limited.

B. Traffic Impact Study Requirements

1. Area of Traffic Impact Study. The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the development site or have direct impact upon the access to the development site. The final scope and area of the study shall be mutually agreed upon by the Township Staff, the traffic engineer preparing the study prior to approval of the preliminary plan

application by the Township. The Township Board of Supervisors shall be called upon to resolve any disputes between the Township Planning Commission and the traffic engineer.

2. Preparation by Professional Transportation Engineer. Traffic impact studies shall be prepared, signed and sealed by a professional engineer with specific training in traffic and transportation engineering.
3. Horizon Year and Design Year. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the horizon year within the study. In addition, traffic forecasts shall be prepared for a five (5) year projection beyond the horizon year. This shall be referred to as the design year within the study.
4. Non-Site Traffic Estimates. Estimates of non-site traffic shall be made and will consist of through traffic and projected traffic generated by all other developments within the study area for which preliminary or final plans have been approved by the Township. Non-site traffic may be estimated using any one of the following three methods: "Build-up" technique; area transportation plan data or modeled volumes; and trends or growth rates.
5. Trip Generation Rates. The traffic impact study shall include a table showing the categories and quantities of land uses, the corresponding trip generation rates or equations (with justification for selection of one or the other) for each land use, and the resulting number of trips. The trip generation rates used must be either from the latest edition of "Trip Generation" by the Institute of Transportation Engineers (ITE), or from a local study of corresponding land uses and quantities based on actual traffic counts. All sources must be referenced in the study.
6. Pass-By Trips. If pass-by trips or shared trips are a major consideration for the land use in question, studies and interviews at similar land uses must be conducted or referenced.
7. Rate Sums. Any significant difference between the sums of single use rates and proposed mixed use estimates must be justified in the study.
8. Special or Unusual Trip Generators. The reasoning and data used in developing a trip generation rate for special or unusual generators must be justified and explained in the study.
9. Definition of Influence Area. Prior to trip distribution of the trips

generated by the development, an influence area must be defined which contains eighty (80%) percent or more of the trip ends that will be attracted to the development. A market study, if available, may be used to establish the limits of an influence area. If no market study is available, an influence area shall be delineated based on a reasonable documented estimate. The influence area may also be based on a reasonable maximum convenient travel time to the site or by delineating area boundaries based on locations of competing developments.

Other methods such as using trip data from an existing development with similar characteristics or using an existing origin/destination survey of trips within the area may be used in place of the influence area to delineate the boundaries of the impact.

10. Estimates of Trip Distribution. Trip distribution may be estimated using any one of the following three methods: analog; trip distribution model; or surrogate data. Whichever method is used, trip distribution must be estimated and analyzed for both the horizon year and the design year. A multi-use development may require more than one distribution and coinciding assignment for each use (for example, residential and retail development on the same site). Consideration must also be given to whether inbound and outbound trips will have similar distributions.
11. Trip Assignments. Assignments must be made considering logical routings, available street capacities, left turns at critical intersections, and projected and perceived minimum travel times. In addition, it may be appropriate in some instances to assign multiple paths between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those generating 500 or more new vehicle trips during the peak hour) through the internal streets. When the development has more than one access, logical routing and possibly multiple paths shall be used to obtain realistic volumes for each access. The assignment shall reflect conditions at the time of the analysis. Assignments may be accomplished either manually or with applicable computer models.

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

- a. Determine the percentage of pass-by trips in the total trips generated.
- b. Estimate a trip distribution for the pass-by trips.

- c. Perform two separate trip assignments based on the new and pass-by trip distributions.
- d. Combine the pass-by and new trip assignment.

Upon completion of the initial site traffic assignment, the results shall be reviewed to see if the volumes appear logical given the characteristics of the street system and trip distribution. Adjustments shall be made if the initial results do not appear to be logical or reasonable.

- 12. Total Traffic Impacts. Traffic estimates for any development site with current traffic activity must reflect not only new traffic associated with the redevelopment of the site, but also the trips subtracted from the traffic stream because of the removal or revision of an existing land use. The traffic impact study shall clearly depict the total traffic estimate and its components.
- 13. Capacity Analysis. Capacity analysis must be performed at each of the major street and development site access intersection locations (signalized and unsignalized) within the study area. In addition, analyses must be completed for street segments deemed sensitive to development site traffic within the study area. These may include such segments as weaving sections, ramps, internal development streets, parking facility access points and reservoirs for vehicles queuing off site and on site. Other locations may be deemed appropriate depending on the situation.

The recommended level of service analysis procedures detailed in the most recent edition of the "Highway Capacity Manual" as published by the Transportation Research Board must be followed. Overall level of service ratings A, B, C and D are considered acceptable for signalized intersections (levels C or better are considered desirable); level of service E or F is considered to be unacceptable.

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

- 14. Required Levels of Service. The recommendations of the traffic impact study shall provide safe and efficient movement of traffic to, from, within and past the proposed development for both the horizon year and the design year while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, not allowed to deteriorate to worse than C if they are currently A or B, and improved to D if they are E or F.

15. Intersection Modeling Analysis. In addition to capacity analyses at intersections, the study shall analyze the amount of delay at each studied intersection and at each access point affected by the traffic at each intersection. This analysis shall include the anticipated effect of delays, gaps and queue lengths at each intersection where traffic signals are required, signal warrants data and analysis shall also be provided.

16. Miscellaneous Analyses. The traffic impact study shall include the following additional analyses within the traffic impact study area:
 - a. Accident data within the past five (5) years along with analysis of potential mitigation measures.
 - b. Non-motorized vehicle data along with improvements necessary to accommodate non-motorized vehicles.
 - c. Descriptions of existing and proposed mass transit services in the Township, the potential of such services to serve the proposed development, and the improvements necessary to accommodate such services.
 - d. Pedestrian use data along with improvements necessary to accommodate pedestrian traffic.

17. Documentation Required. A report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the traffic impact study.
 - a. The documentation for a traffic impact study shall include, at a minimum:
 - Study purpose and objectives
 - Description of the site, proposed development and study area
 - Existing conditions in the area of the development
 - Recorded or approved nearby development
 - Trip generation, trip distribution and modal split
 - Projected future traffic volumes
 - Assessment of the change in street system operating conditions resulting from the development traffic
 - Recommendations for site access and transportation improvement needed to maintain traffic flow to, from, within and past the site at an acceptable and safe level of service
 - b. The analysis of all information shall be presented in a straight

forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.

- c. The recommendations shall specify the time period within which the improvements shall be made (particularly if the improvements are associated with various phases of the development construction) and any monitoring of operating conditions and improvements that may be required.
- d. Data shall be presented in tables, graphs, maps and diagrams wherever possible for clarity and ease of review.
- e. An executive summary of one or two pages shall be provided concisely summarizing the purpose, conclusions and recommendations of the study.

The report documentation outlined above provides a framework for traffic impact study reports. Some studies will be easily documented using this outline; however, the specific issues to be addressed, local study requirements and the study results may warrant additional sections or information to be included in the study.

- 18. State Requirements. When a development will access or improve a state street, the applicant shall include the state's requirements for a traffic impact study (Pennsylvania Department of Transportation Publication 201; Engineering and Traffic Studies) in addition to the traffic impact study requirements of the Township.
- 19. Improvements
 - a. Responsibility for Improvements. The applicant shall be responsible for the improvements required to provide safe and convenient ingress and egress to the development site and to eliminate all adverse conditions created by the traffic generated by the development for both the horizon year and the design year.
 - b. Multi-Phase Development. Where a multi-phase development is proposed, the applicant shall also provide a phasing schedule, subject to the approval of the Township Board of Supervisors, for all transportation and traffic improvements which shall coincide with the phasing of the development.

517 EMERGENCY RESPONSE

- A. All land development plans proposing the construction of non-residential buildings or multi-family residential dwellings shall be required to be submitted for review by the developer to the fire department or company, the police department and any other emergency response organizations having jurisdiction within the area of the proposed development. The review of each emergency response organization should include whether the organization can effectively provide service to the development, whether adequate response time can be provided to the development, whether the internal design of the development is conducive to proper emergency access and whether the organization feels revisions should be made to the development to mitigate any concerns of the organization. If a response is not made by any notified emergency response organization within forty-five (45) days from the date of such submission, it shall be assumed that the emergency response organization has no comments or opinions pertaining to the proposed development.
- B. If required by the Township Board of Supervisors, the developer of a land development shall be required to modify the design of the land development to accommodate the recommendations of the emergency response organizations in order to provide safe access to the development.
- C. If required by the Township Board of Supervisors, the developer of a land development shall provide emergency signal preemption for any traffic signals located within or immediately adjacent to the development.

ARTICLE 600 - ADMINISTRATION

601 MODIFICATIONS

- A. The provisions of this ordinance are considered by the Township to be the minimum standards necessary for the protection of the public health, safety and welfare.
- B. If the literal enforcement of one or more provisions of this ordinance is shown by the applicant, to the satisfaction of the Board of Supervisors at a scheduled public meeting, to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the land in question, or when an alternative standard can be demonstrated to provide equal or better results, the Board of Supervisors may grant a modification in writing to such applicant for such provision so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the intent and purpose of this ordinance.
- C. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- D. Deferrals must be accompanied with a recorded agreement.
- E. Any approved waivers, modifications or deferrals must be listed on the cover of the plan.

602 AMENDMENT

- A. Amendments to this ordinance shall become effective only after a public hearing held thereon pursuant to public notice in the manner prescribed within Subsection D of this Section.
- B. In the case of an amendment other than that prepared by the Township Planning Commission, the Board of Supervisors shall submit each such amendment to the Township Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
- C. At least thirty (30) days prior to the public hearing on the amendment, the Board of Supervisors shall submit the proposed amendment to the Lancaster County Planning Commission for its recommendations.

- D. Proposed amendments to this Ordinance shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Subsection, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
1. A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
 2. An attested copy of the proposed amendment shall be filed in the Lancaster County law library or other county office designated by the Lancaster County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment re-advertise, in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

- E. Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of any amendment to this Ordinance to the Lancaster County Planning Commission.
- F. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorder therein.

603 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transfer or from such penalties or from the remedies herein provided.

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

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

603-A ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500) 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 determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.
- D. District justices shall have initial jurisdiction in proceedings brought under this Section.

604 CHALLENGE AND APPEALS

The decision of the Board of Supervisors with respect to the approval or disapproval of plans may be appealed directly to court as provided for in Act 247, the Pennsylvania Municipalities Planning Code, as amended.

605 VALIDITY

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

606 CONFLICTS

Whenever there is a difference between the minimum applicable standards specified herein and those included in other applicable Township regulations, the more stringent requirement shall apply.

607 EFFECTIVE DATE

This Ordinance shall become effective five (5) days after its adoption by the Board of Township Supervisors of East Lampeter Township, County of Lancaster, Commonwealth of Pennsylvania.

Enacted and ordained this day of October 17, 2022 .

BOARD OF TOWNSHIP SUPERVISORS

BY: _____
Chairman

ATTEST:

Secretary