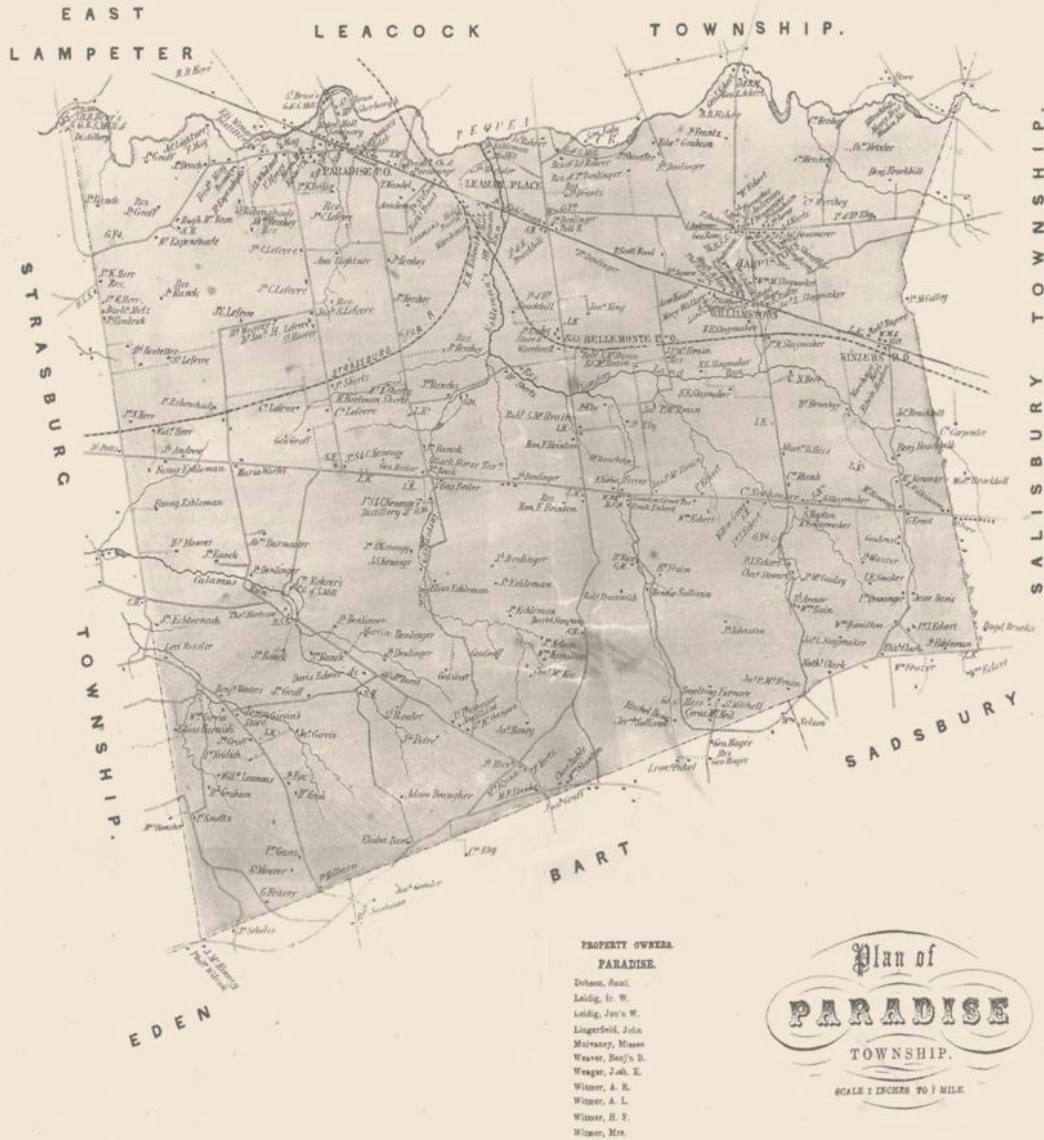


PARADISE TOWNSHIP

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2016

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Adopted April 19, 2016

**PARADISE TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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PARADISE TOWNSHIP
Lancaster County, Pennsylvania

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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

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

ARTICLE I

TITLE/AUTHORITY

Section 101 Short Title

This Ordinance shall be known as "The Paradise Township Subdivision and Land Development Ordinance of 2016."

Section 102 Purpose

This Subdivision and Land Development Ordinance is adopted for the following purposes:

- A. To promote and protect the public health, safety, morals, and welfare.
- B. To promote orderly, efficient, integrated, and harmonious development in the Township.
- C. To ensure conformance of subdivision and land development plans with the Paradise Township Comprehensive Plan, the Paradise Township Zoning Ordinance, the Paradise Township Storm Water Management Ordinance, and public improvements plans and to ensure coordination of intergovernmental improvement plans and programs.

- D. To accommodate the Township's "fair share" of growth within Lancaster County by encouraging such growth to occur within the Urban and Village Growth Areas and to encourage efficient and dense development within the Urban and Village Growth Areas.
- E. To protect sensitive and important natural features (e.g. floodplains, wetlands, prime farmlands, unique geologic features, steep slopes, woodlands, game lands, wildlife habitats, etc.) from indiscriminate development.
- F. To coordinate proposed streets and other improvements with existing or proposed streets, parks, or other features of the comprehensive plan and to provide for drainage, water supply, sewage disposal, and other appropriate utility services.
- G. To require sites for building purposes and human habitation to be suitably improved for their intended use and to minimize the peril from fire, flood, erosion, excessive noise, smoke, or other menace.
- H. To encourage preservation of adequate open spaces for recreation, light, air and maintenance of the natural amenities characteristic of the Township and its residential, commercial, agricultural, industrial, and public areas.
- I. To secure equitable treatment of all subdivision, land development and storm water management plans by providing uniform procedures and standards.
- J. To ensure that developments are environmentally sound by requiring preservation of the natural features of the areas to be developed to the greatest extent practicable.
- K. To maintain the economic well-being of the Township and to prevent unnecessary or undesirable blight, runoff and pollution.
- L. To secure the protection of water resources and drainage ways.
- M. To establish provisions governing the standards by which streets shall be designed and improved, and by which walkways, curbs, gutters, street lights, fire hydrants, water and sewage facilities, and other improvements shall be installed as a condition precedent to final approval of plans.

Section 103 Authority and Jurisdiction

- A. The Board of Supervisors of Paradise Township, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53P.S. 10101 et seq., and pursuant to the Storm Water Management Act, Act 167 of October 4, 1978, 32 P.S. P.L. 864, Section 680.1, et. seq., as amended, and Act 166, The Floodplain Management Act, as amended, hereby enacts and ordains the following Ordinance governing subdivisions, land developments, and regulated activities as defined herein, within the limits of Paradise Township.
- B. No land development or subdivision of any lot, tract or parcel of land shall be made, and no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

- C. The authority for the control and regulation of subdivision and land development within the Township shall be as follows:
1. The Paradise Township Board of Supervisors shall be vested with the authority to approve or disapprove all subdivision and land development plans.
 2. Plans for subdivision and land development shall be submitted to the Paradise Township Planning Commission for their review. The Planning Commission will provide the Board of Supervisors with a recommendation for plan approval, disapproval, or conditional approval. Said submission shall take place before approval of any plans by the Township Supervisors. If a report is not received from the Paradise Township Planning Commission within thirty (30) days after submission, the Board of Supervisors may proceed without the report.
 3. Plans for subdivision and land development located within Paradise Township shall be submitted to the Lancaster County Planning Commission for review and report. Said submission shall take place before approval of any plans by the Township. However, if a report is not received from the Lancaster County Planning Commission within forty-five (45) days after submission, the Board of Supervisors may proceed without the report.

Section 104 Conflict

It is not intended by this Ordinance to repeal, abrogate, annul, or interfere with any existing ordinances or enactment, or with any rule, regulation, or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this Ordinance, provided that where this Ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribed larger open spaces than are required by the provisions of other such ordinance, enactment, rule, regulation or permit, then the provisions of this Ordinance shall control. Furthermore, if a discrepancy exists between any regulations contained within this Ordinance, that regulation which imposes the greater restriction shall apply.

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ARTICLE II

INTERPRETATION AND DEFINITIONS

Section 201 General Interpretations

In this Ordinance the following rules of interpretation shall be used:

- A. The word "lot" includes the word "plot" or "parcel".
- B. Words in the present tense may imply the future tense.
- C. Words used as singular imply the plural.
- D. The masculine gender includes the feminine and neuter genders.
- E. The word "person" includes a partnership, corporation, association, trust, estate, or any other legally recognized entity as well as an individual.
- F. The word "shall" is to be interpreted as mandatory; the word "may" as directory.
- G. References to any document, official, or entity (i.e. codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies, or officials) are references to Paradise Township documents, officials, or entities in effect at the time, unless the text indicates that another reference is intended.

Section 202 Definitions

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

Accelerated Erosion Refer to the Paradise Township Storm Water Management Ordinance.

Access Drive A private drive providing pedestrian and vehicular access between a public or private street and a parking compound within a land development.

Accessory Dwelling An additional dwelling unit placed upon any property as ECHO Housing or upon an agricultural property for immediate family members or as Temporary Farm Employee Housing as provided for by the Township Zoning Ordinance. Accessory dwellings shall be processed in accordance with the Accessory Dwelling Guidelines as provided in the Appendix and the Modification provisions of Section 309.

ACT The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. (1965) 1535, No. 537, as amended, 35 P.S. Section 750.1 et seq.

Agent Any person, other than a landowner or developer, who, acting for the landowner or developer, submits to the Planning Commission and Township Supervisors subdivision or land development plans for the purpose of obtaining approval thereof.

Agricultural Purposes The use of land for the cultivation of soil, farming, dairying, pasturage, agriculture, horticulture, floriculture, forestry, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment for housing and feeding the animals and housing the equipment, also land which has been diverted from agricultural use by an active federal farm program, provided the land has a conservation cover of grass, legume, trees or wildlife shrubs.

Aisle A private drive within a parking compound providing pedestrian and vehicular access between an access drive and a parking space which is located within the parking compound.

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

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

Authority (Sewer) The Paradise Sewer Authority and their successors, or a municipality or other public utility.

Authority (Water) The Paradise Water Authority and their successors, or a municipality or other public utility.

Block An area bounded by streets.

Board The Paradise Township Board of Supervisors

Board of Supervisors The Paradise Township Board of Supervisors.

Building Addition An increase in floor area or attached expansion of an existing building or structure.

Building Area The total areas of the greatest outside dimensions on a horizontal plane of the principal building and all accessory buildings.

Building Envelope The building envelope is that area of the lot that has no building restrictions. The building envelope shall not include the area of any required setbacks (except for driveways which cross yards), buffer yards or floodplains.

Building Height The height of a building in all districts shall be measured from the average ground level at the corners of the building to the highest point of the roof, provided that chimneys, spires, towers and elevator penthouses, tanks and other similar projections shall not be included in calculating the height.

Building Line A line formed by the intersection of a horizontal plane and a vertical plane that coincides with the exterior surface of the building on any side. In case of a cantilevered or projected section of a building, except overhanging eaves, gutters and cornices, the vertical plane will coincide with the most projected surface. All yard requirements are measured to the building line.

Building Setback Line A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line or property line.

Building, Accessory A detached subordinate building or structure, the use of which is customarily incidental to that of the principal building or use and which is located on the same lot as occupied by the principal building or use.

Building, Principal A building in which is conducted the principal use of the lot on which it is situated.

Building Any structure constructed or used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, swimming pools, greenhouses, stables, garages, roadside stands, mobile homes and similar structures, whether stationary or movable, but excluding fences and walls which are part of the landscaping, signs and awnings.

Campground A lot or tract of ground where persons or families may live temporarily, not exceeding four (4) consecutive weeks, in tents, trailers or mobile homes. The tents, trailers, mobile homes and/or vehicles used for camping shall not be owned by the campground owner.

Cartway The portion of a street or alley intended for vehicular use.

Channel A natural or artificial watercourse with a definite bed and banks which confine and conduct continuously or periodically flowing water.

Clear Sight Triangle An area of unobstructed vision at the intersection of two (2) or more streets, access drives, driveways, or alleys or any combination of the foregoing. It is defined by lines of sight between points at a given distance from the intersection of the centerlines of both streets, access drives, driveways, or alleys.

COE United States Army Corps of Engineers.

Common Driveway A private driveway utilized by two (2) or more separate lots or dwellings for access to a public or private street.

Common Open Space A parcel or parcels of land, an area of water or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas and areas set aside for public facilities.

Community Sewage System A sewage disposal system, other than a public sewer system, which provides sewage disposal for two (2) or more units of occupancy which shall comply with all applicable regulations of the Department of Environmental Protection or other regulatory agency.

Community Water Supply System A water supply system, other than a public water system, providing water for more than two (2) units of occupancy which shall comply with all applicable regulations of the Department of Environmental Protection or other regulatory agency.

Compensatory Mitigation The required restoration, enhancement, or creation of wetlands to offset unavoidable wetland impacts from construction.

Comprehensive Plan The plan, or parts thereof, which has been adopted by the Board of Supervisors, showing its recommendations for such systems as parks and recreation facilities, water supply, sewer and sewage disposal, transportation highways, civic centers, and other public improvements which affect the development of the Township.

Corner Lot A lot abutting upon two (2) streets at their intersection.

County Planning Commission The Lancaster County Planning Commission.

Culvert Refer to the Paradise Township Storm Water Management Ordinance.

Curb The raised edge of a pavement to confine surface water to the pavement and to protect the abutting land from vehicular traffic.

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

Deed A legal document conveying ownership in real property.

Department of Environmental Protection (DEP) The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

Department of Transportation (PennDOT) The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

Design Speed The design speed for streets designed in accordance with this Ordinance shall equal the proposed posted speed plus five (5) miles per hour.

Design Storm Refer to the Paradise Township Storm Water Management Ordinance.

Detention Basin Refer to the Paradise Township Storm Water Management Ordinance.

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

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

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

Development Site The specific are of land for which a Regulated Activity is proposed, planned, conducted or maintained.

Double Frontage Lot A lot, other than a corner lot, fronting on two (2) streets.

Drainage Easement Refer to the Paradise Township Storm Water Management Ordinance.

Drainage Facility Any ditch, gutter, pipe, culvert, storm sewer, or other structure designed, intended or constructed for the purpose of carrying surface waters off of streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Driveway, Shared A private drive, within any land development, providing access between a public or private street or access drive and parking areas for two units of occupancy; which shall comply in all respects with the Zoning Ordinance, the Road Ordinance, and any other Ordinance regulating the placement and/or construction of driveways which may be enacted by the Board of Supervisors.

Driveway A private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy, a farm, or land development; which shall comply in all respects with the Zoning Ordinance, the Road Ordinance, and any other Ordinance regulating the placement and/or construction of driveways which may be enacted by the Board of Supervisors.

Dwelling A building or portion thereof designed for and used exclusively for residential occupancy, including those listed below, but not including hospitals, hotels, boarding, rooming and lodging houses, institutional houses, tourist courts, and the like, offering overnight accommodations for guests or patients. Dwellings may include prefabricated units which are capable of being transported to a site in whole or in part, provided the unit is permanently affixed to the ground.

Dwelling Unit A group of habitable rooms (two or more) designed for or occupied by not more than one family or non-family unit as a single housekeeping unit, whether occupied or unoccupied.

Easement of Access Any driveway or other entrance from a public or private road. A field road providing access to agriculturally used fields and not providing access to any residential, commercial or industrial structure is not considered an easement of access.

Easement A limited right of use granted in private land for a public or quasi-public purpose.

Energy Dissipator A device used to slow the velocity of storm water at points of concentrated discharge associated with pipe outlets and similar conditions.

Engineer A professional engineer licensed in the Commonwealth of Pennsylvania.

Ephemeral Stream Refer to the Paradise Township Storm Water Management Ordinance.

Erosion The removal of soil particles by the action of water, wind, ice, or other geological agents.

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

Financial Security A letter of credit or other form of guarantee in accordance with the requirements of Article V of the Municipalities Planning Code posted by a developer to secure the completion of improvements indicated on an approved plan.

Floodplain Refer to the Paradise Township Storm Water Management Ordinance.

Floor Area The total floor area of the dwelling unit actually used for habitation excluding cellars, basements, storage attics, porches, garages and the like.

Frontage The horizontal or curvilinear distance along the street line upon which a lot abuts.

Future Right-of-Way (1) The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads. (2) A right-of-way established to provide future access to or through undeveloped land.

Grade The slope expressed in a percent that indicates the rate of change of elevation in feet per linear hundred linear feet.

Grassed Waterway Refer to the Paradise Township Storm Water Management Ordinance.

Gutter That portion of a right-of-way carrying surface drainage.

Hardship A condition, not economic in nature and not caused by the applicant or developer, for which a modification may be requested.

Holding Pond A retention pond or detention basin.

Homeowners' Association An unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A homeowners' association shall also include a condominium unit owners' association. All such associations shall comply with the requirements for unit owners' associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. Section 3101 et seq.

Impervious Surface Refer to the Paradise Township Storm Water Management Ordinance.

Improvements Pavements, curbs, gutters, sidewalks, water mains, sanitary sewers, storm sewers, storm water management facilities, grading, street signs, plantings, and other items for the welfare of the property owners and the public.

Individual On-lot Sewage System A system of piping, tanks, or other facilities serving located on and serving a single lot and collecting and disposing of sewage, in whole or in part, into the soil or into any waters of the Commonwealth of Pennsylvania or by means of conveyance to another site for final disposition.

Intermittent Stream A body of water flowing in a channel or bed composed primarily of substrates associated with flowing water, which, during periods of the year, is below the local water table and obtains its flow from both surface runoff and groundwater discharges.

Land Development The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

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

The division or allocation of land or space, whether initially or cumulatively, between or among two or

more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; or,

A subdivision of land.

Land Development shall not include the following:

- a. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
- b. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
- c. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park.
 - 1) For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.
- d. A building addition to an existing non-residential principal structure, provided that:
 - 1) The addition does not create a need for any additional parking, per the Township Zoning Ordinance; and
 - 2) The addition does not, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, create the need for a sewer facility's plan revision (plan revision module for land development), or supplement; and
 - 3) The addition is not for the creation of additional units of occupancy; and
 - 4) The addition does not require approval from the Zoning Hearing Board; and
 - 5) The addition complies with all provisions of applicable Township ordinances.
 - 6) For the purpose of this subclause, the building addition exemption shall be limited cumulatively from the date of this Ordinance. The net addition shall be the sum of all additions after the date of the adoption of this Ordinance.

Land Disturbance Refer to the Paradise Township Storm Water Management Ordinance.

Landowner The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land.

Landscape Architect A professional landscape architect licensed as such in the Commonwealth of Pennsylvania.

Lateral Conduits connecting individual buildings to utility services that are generally located within the street.

Lineament A fracture on the order of tens of kilometers long usually extending to the basement below sedimentary rock.

Location Map A map showing the site with relation to adjoining areas.

Lot A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit. A "lot" shall include one or more contiguous pieces, parcels, or plots of land of record, all under the same ownership.

Lot Area The area contained within the property lines of a lot, excluding that area within any street or ultimate right of way.

Lot, Corner A lot bounded on at least two (2) sides by streets whenever the lines of such streets extended form an interior angle of one hundred thirty-five (135) degrees or less. Yards adjacent to such streets shall be considered front yards.

Lot Depth The horizontal distance between the front lot line and the rear lot line measured perpendicular to the front lot line.

Lot, Flag A lot whose frontage does not satisfy the minimum width requirements for the respective zone, but that does have sufficient lot width away from the lot's frontage.

Lot Line or Property Line Lines generally described by metes and bounds forming the front, rear and sides of lots which when combined together delineate a lot or parcel of ground. Any lot line which abuts a street or other public way shall be measured from the legal street right of way line.

Lot Width The horizontal distance between side lot lines measured parallel to the front lot line. For a flag lot, the lot width shall be measured at the flag.

Mobile Home Lot A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park A parcel or contiguous parcels of land which have been so designated and improved which contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Mobile Home Space or Lot A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.

Mobile Home A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

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

Multiple Dwelling Building A building providing separate living quarters for two (2) or more families.

Municipalities Planning Code The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted.

Natural Watercourse A existing watercourse or channel which is not man-made and contains a definite bed and banks which confine and conduct continuously or periodically flowing water.

Non-Residential Any use other than single or multi-family dwellings. An institutional use in which persons may reside, such as a dormitory, prison, nursing home, or hospital, shall be considered a non-residential use.

NWI National Wetland Inventory.

On-Site Storm Water Management The control of runoff to allow water falling on a given site to be absorbed or retained on-site to the extent that after development the peak rate of discharge leaving the site is not significantly greater than if the site had remained undeveloped.

Owner The owner of record of a parcel of land.

Parking Area An area on a lot utilized for the parking of vehicles for a single unit of occupancy, a farm or two (2) vehicles within a land development.

Parking Compound An area on a lot containing any use other than an agricultural use or one (1) single-family detached dwelling for the parking of three (3) or more vehicles.

Parking Space An off-street space available for the parking of a vehicle. The minimum area required for a single space shall be as provided by the Township Zoning Ordinance. For the purpose of this Ordinance, the minimum number of parking spaces as required by the Zoning Ordinance or any uses other single family dwellings shall not include space within garages. Parking spaces shall not be obstructed by another parking space or by any other structural impediments to vehicular access.

Peak Discharge Refer to the Paradise Township Storm Water Management Ordinance.

Person The term shall be construed to include any natural person, association, partnership, corporation or other entity; and when used in any provisions of this Ordinance prescribing a penalty shall in the case of partnerships and associations include the individual partners, members or managers thereof, and in the case of corporations shall include the individual officers and managers thereof.

Plan The map or plan of a subdivision or land development, as follows:

1. **Final Plan** A complete and exact subdivision and/or land development plan, including all supplementary data specified in Article 4 of this Ordinance.
2. **Improvement Construction Plan** A complete and exact subdivision and/or land development plan, prepared in accordance with Article 4 of this Ordinance, the sole purpose of which is to permit the construction of only those improvements required by this Ordinance, as an alternative to guaranteeing the completion of those improvements by a corporate bond or other surety.
3. **Lot Add-On Plan** A complete and exact subdivision plan including all supplementary data specified in Article 4 of this Ordinance.
4. **Minor Subdivision** A complete and exact subdivision plan including all supplementary data specified in Article 4 of this Ordinance.
5. **Preliminary Plan** A subdivision and/or land development plan including all required supplementary data specified in Article 4 of this Ordinance, showing approximate locations.
6. **Record Plan** A final plan which contains the original endorsement of the local municipality and the Planning Commission which is intended to be recorded with the Lancaster County Recorder of Deeds.
7. **Revised Final Plan** Any subdivision or proposed land development plan that changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan.
8. **Separation Subdivision** A complete and exact subdivision plan including all supplementary data specified in Article 4 of this Ordinance.
9. **Sketch Plan** An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings with the general layout of a proposal prepared in accordance with Article 4 of this Ordinance.

Planning Commission The Paradise Township Planning Commission.

Planning Module for Land Development A revision to the Township's Official 537 Plan submitted in connection with the request for approval of a subdivision or land development in accordance with DEP regulations.

Project Site An area of land subject to development and within the jurisdiction of this Ordinance.

Public Sewer System A municipal sanitary sewer system approved and permitted by DEP and owned by a Sewer Authority or Township.

Public Water System A municipal water supply facility approved and permitted by DEP and owned by a Water Authority or Township or a water supply facility owned by a public utility and operated in accordance with a certificate of public convenience granted by the Pennsylvania Public Utility Commission.

Quadrant A circular or square plot of a given area used to determine the dominant plant species within a site.

Record Drawings Set of prints of the original facilities showing those changes made during the construction process.

Recorder of Deeds The Recorder of Deeds in and for Lancaster County, Pennsylvania.

Regulated Activity An action or proposed action that has an impact upon storm water runoff and which is specified in Section 103 of this Ordinance.

Replacement Location A location designated as the future location of an individual on-lot sewage system that shall be installed should the initial individual on-lot system installed or to be installed fail or otherwise become inoperable and which shall meet all the regulations of DEP and all applicable Township Ordinances for an individual on-lot sewage system.

Retention Basin Refer to the Paradise Township Storm Water Management Ordinance.

Reverse Frontage Lot A lot extending between and having frontage on a major street and a minor street with vehicular access solely from the latter.

Right-of-Way Land set aside for use as a public or private street, alley, pedestrian walkway or other means of travel.

Sediment Basin Refer to the Paradise Township Storm Water Management Ordinance.

Setback The required horizontal distance between a setback line and a property or street right-of-way line.

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

Storm Sewer Refer to the Paradise Township Storm Water Management Ordinance.

Storm Water Refer to the Paradise Township Storm Water Management Ordinance.

Storm Water Management A program of controls and measures designed to regulate the quantity and quality of storm water runoff from a development while promoting the protection and conservation of groundwater and groundwater recharge.

Storm Water Management Facilities Those controls and measures used to implement a storm water management program.

Street Centerline The center of the surveyed street right of way or, where not surveyed, the center of the traveled cartway.

Street Right of Way Line The line dividing a lot from the legal street right of way, not just the cartway.

Street A strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Unless the existing streets within the Township are officially classified, the following general classifications will prevail:

1. **Alley** A local street which is used primarily for vehicle access to the back or the side of

properties otherwise abutting a street, or for placement of utilities.

2. **Arterial Street; Highway** A street or road that is used primarily for fast or heavy traffic including all roads classified as main and secondary highways by the Department of Transportation.
3. **Collector Street** A street which carries traffic from minor streets to the major system or arterial streets, including the principal entrance or circulation streets of a residential development and all streets within industrial and/or commercial subdivisions or developments.
4. **Cul-de-sac** A street intersecting another street at one end and terminating at the other in a vehicular turnaround.
5. **Local Street** A street which is used primarily for access to the abutting properties.
6. **Private Street** A street which is constructed in accordance with the applicable provisions of this Ordinance which is not owned by a public entity. Paradise Township shall not be responsible for any type of maintenance or snow removal on any private street.

Structure Any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider A developer.

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.

Surveyor A professional land surveyor licensed in the Commonwealth of Pennsylvania.

Township Paradise Township, Lancaster County, Pennsylvania, as represented by the Board of Supervisors, or its duly authorized agents.

Tract, Parent All contiguous land owned by the same landowner on May 15, 1972 which is or was contiguous except for the presence of public or private roads and/or the presence of lots or parcels adversed from the original parent tract since May 15, 1972.

Tract, Subject Any portion or portions of the Parent Tract, area, lot, parcel, project, property, site, or any piece of land that is the subject of an application under the jurisdiction of this Ordinance.

Transect A line along which quadrants are placed at intervals.

Travel Trailer A portable structure, primarily designed to provide temporary living quarters for recreation, camping, or travel purposes. In addition to the above, any one of the following attributes are characteristic of a travel trailer:

1. The unit is of such size or weight as not to require a special highway movement permit from the Pennsylvania Department of Transportation when self propelled, or when hauled by a standard motor vehicle on a highway;
2. The unit is mounted or designed to be mounted on wheels;
3. The unit is designed to be loaded onto, or affixed to, the bed and/or chassis of a truck;
4. The unit contains, or was designed to contain, temporary storage of water and sewer; or,
5. The unit contains some identification by the manufacturer as a travel trailer.

Undeveloped Land Land in parcels which is of sufficient size that could allow for the future subdivision and/or development in accordance with the terms of the zoning and subdivision ordinance.

Unit of Occupancy A unit, the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be either residential or non-residential and can be an independent unit within a structure or a separate detached structure. Types of units are as follows:

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

Urban Growth Area Areas described and graphically depicted within the Paradise Township Comprehensive Plan that generally includes the residential zoned land located south of the Route 30 corridor; the land located between Harristown and the Route 30 corridor; the Slaymaker Hill Road area; and, the commercial/industrial zoned land located south of Route 30 in the Kinzers.

Use The purpose or activity for which buildings, structures or land is occupied or maintained.

Village Growth Area Areas described and graphically depicted within the Paradise Township Comprehensive Plan that generally includes and surrounds the area along the Route 30 corridor through Paradise Township including the villages of Paradise, Kinzers, Vintage and Harristown; and within which residential and mixed use development is permitted or planned for at densities of one (1) unit to the acre or more; commercial, industrial and institutional uses are permitted or planned for; and, public infrastructure services are provided or planned.

Watercourse Refer to the Paradise Township Storm Water Management Ordinance.

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

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

Wetlands Refer to the Paradise Township Storm Water Management Ordinance.

Woodlands Areas characterized by dense and extensive tree cover growing closely together so that the drip lines touch or overlap, and in which there is more than one viable tree of a diameter of five (5) inches measured three (3) feet above the ground or greater per 1,500 square feet of lot area. To determine if an area has minimum of one viable tree of five (5) inches or greater caliber per 1,500 square feet, the total area of land in question (in square feet) shall be divided by 1,500. If the result is equal to or less than the number of viable trees of the diameter of five inches or greater, and meets the other stated characteristics, the area in question is considered woodland.

Yard The unobstructed open space around a building. Porches and carports shall be considered a part of the building. Overhanging eaves, gutters and cornices shall not be considered an infringement of the yard requirements.

1. **Front Yard** The required open space between a building and the street right of way line and extending the full width of the lot.
2. **Rear Yard** The required open space between a building and the rear property or street right of

way line, whichever is the closer to the building, and extending the full width of the lot.

3. **Side Yard** The required open space between a building and the side property line and extending the full depth of the lot.

Zoning Officer The duly constituted municipal official designated to administer and enforce this Ordinance. The Zoning Officer shall administer the Zoning Ordinance in accordance with its literal terms.

Zoning Ordinance The Paradise Township Zoning Ordinance, as enacted by the Board of Supervisors and as may be amended from time to time.

ARTICLE III

PLAN PROCESSING PROCEDURES

Section 301 General

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

Section 302 Compliance with Zoning Ordinance and Zoning Hearing Board Decisions

Whenever the Zoning Ordinance provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, or when a variance from the terms of the Zoning Ordinance is required to develop in accordance with the plan, the applicant shall obtain such special exception, variance or conditional use approval from the Township Zoning Hearing Board or Board of Supervisors, as applicable, prior to the submission of the plan. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception, variance or conditional use by the Township Zoning Hearing Board or Board of Supervisors, as applicable.

Section 303 Application and Processing Requirements

ALL applications shall follow these application and processing requirements (except Sketch Plans as provided hereafter).

- A. **Formal Application/Submission Deadlines** All applications for approval of a subdivision plan, land development plan, lot add-on plan, or improvement construction plan shall be made by the developer filing an application form, to be supplied by the Township, together with the appropriate plans, studies, reports, supporting data, and required filing fee, with the Township. Applications may be filed with the Township on any business day; however, the Planning Commission may review a plan at a particular meeting only if the plan was filed at least fifteen (15) business days prior to that meeting.
- B. **Application Requirements** All plan applications shall include the following:
1. Two (2) copies of the plan(s). All plans shall be either black on white or blue on white paper prints and prepared in conformance with the provisions of Article IV of this Ordinance.
 2. Two (2) copies of all reports, notifications, and certifications which are not provided on the preliminary plan.
 3. Two (2) copies of the application form as provided in the Appendix.
 4. Filing and Review Escrow fees in the amounts as specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Office.
 5. Two (2) copies of all reports required by Article IV.

6. Documentation that the plans have been properly filed with the Lancaster County Planning Commission, as well as any and all other required approving agencies (local, state, and federal agencies, water and sewer authorities, utilities, etc.).
 7. The applicant shall provide the Township with five (5) copies of the most current plan at least five (5) business days before the plan is scheduled to be reviewed by the Planning Commission or the Board of Supervisors.
- C. **Distribution** The applicant shall submit one copy of the above-required information to the Township and one copy to the Township Engineer for their respective reviews.
- D. **Initial Application** The Township staff shall have seven (7) business days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all information required by this Ordinance. If defective, the application shall be returned to the applicant with a statement explaining the reason(s) of rejection, within twelve (12) business days following the date of submission by the applicant; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. Under this Section, the applicant may appeal a decision by the Township staff to the Board.
- E. **Amendments or Corrections to an Application** The Township staff shall have seven (7) business days from the date of submission of an amended or corrected application or plan to determine whether such amended or corrected application results in a substantial amendment to the plan or if the application or plan filed changed so as to be considered a new plan. If the Township staff determines that the amended or corrected application constitutes a substantial amendment, the applicant shall be informed of the determination within twelve (12) business days from the date of the submission of the amended or corrected application and the Township staff shall further inform the applicant that the Township shall consider the ninety (90) day review procedure to have been restarted as of the date of the filing of the substantial amendment. If the Township staff determines that the amended or corrected application constitutes a new plan, he shall so inform the applicant and shall inform the applicant that a new application and new fees are required. Under this Section, the applicant may appeal a decision by the Township staff to the Board.
- F. **Plan Review Process**
1. **Review by the Township Staff and Consultants**
 - a. The Township Zoning Officer and any Township personnel, in coordination with the procedures provided in sub-section 303.F.1.b hereafter, and as directed by the Board from time to time, shall review the application documents to determine if they are in compliance with this Ordinance, the Zoning Ordinance, the Comprehensive Plan, the Township's planning objectives, and accepted planning standards. These personnel shall provide comments and recommendations, which may include written findings when directed by the Board, to the Planning Commission and Board.
 - b. The Township Engineer and/or other consultants designated by the Board of Supervisors shall review the application documents to determine compliance with this Ordinance, and any other applicable Township Ordinances, Township standards and good engineering practices. He shall prepare a written report of his findings and recommendations which shall be presented to the Township and the applicant.

2. **Briefing Item**

- a. At the plan's first presentation to the Planning Commission, no action will be taken on any application. The plan will be presented by the Township staff as a briefing item for introduction to the Planning Commission and for general comments. The applicant and or their representative shall attend this meeting to answer questions and receive comments from the Planning Commission. However, no official action will be taken by the Planning Commission at this meeting.
- b. Plans will be presented by the Township staff as a briefing item at the regular meeting of the Board, following the first presentation of the plan as a briefing item to the Planning Commission. The applicant and or their representative shall attend this meeting to answer questions and receive comments from the Board. However, no official action will be taken by the Board at this meeting.

3. **Planning Commission Review.** The Planning Commission will review the application with the developer or his agent at a regular meeting following the meeting where the application was introduced to the Planning Commission as a briefing item, and after comments are received from the Lancaster County Planning Commission. The Planning Commission will review the application to determine if it meets the standards set forth in the Township's Ordinances. The application shall then be submitted by the Planning Commission, together with its analysis and recommendations, including those of the Township staff and Engineer, to the Board. Generally, the plan will not be forwarded to the Board until it has been recommended for unconditional approval or disapproval.

4. **Board Review Process**

- a. Generally, following review and recommendation by the Planning Commission, the Board of Supervisors will place the plan on its agenda for review and action.
- b. All applications for approval of a plan shall be acted upon by the Board. The Board shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

c. **Notification of Board of Supervisors Action**

The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

- 1) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.
- 2) Failure of the Board to render a decision and communicate it to the applicant within the time and in the manner required herein, unless a

greater period of time has been authorized by the Municipalities Planning Code, shall be deemed an approval of the application in terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner or presentation of communication of the decision; in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

- d. **Compliance with the Board of Supervisors Action** If the Board conditions its plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the plan to be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, unless the Board grants a modification by extending the effective time period.
- e. **Board of Supervisors Approval and Certification** The Board will acknowledge the satisfactory compliance with all conditions, if any, of the plan approval at a regularly scheduled public meeting. After receipt of plan approval and compliance with all conditions of approval, a plan shall be presented to the Township for acknowledgement through a formal approval certification statement on the plan as provided in the Appendix. Two copies (one for the Township and one for the applicant) of the plan shall be provided for the Board to sign the approval certificate.

Section 304 Pre-Application Review (Sketch Plan)

Applicants are strongly urged to discuss possible development sites and plan with the staff of the Township prior to formal submission of any plan. The purpose of the pre-application meeting or sketch plan review is to afford the applicant an opportunity to receive the advice and assistance of the Township Planning Commission, Board of Supervisors, and staff. Submission of a sketch plan is optional and will not constitute formal filing of a plan with the Township.

- A. **Pre-Application Plans and Data Procedure** Prior to the preparation and filing of the preliminary plan for subdivision or land development, the applicant may submit to the Township the following plans and data which shall be forwarded to the Planning Commission and Board of Supervisors for consideration. The plans should include those elements that should be considered in the design of the subdivision or land development.
- B. **Submission of Pre-Application (Sketch) Plans** Prospective applicants submitting a pre-application plan for review by the Planning Commission shall include those items listed in Section 402 of this Ordinance. Plans shall be considered for informal review and discussion and shall not constitute formal filing of the plan with the Township. Plans shall be submitted fifteen (15) business days prior to the regularly scheduled monthly meeting of the Planning Commission. All plan submittals shall be accompanied by a completed application as provided in the Appendix and a filing fee in an amount as specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Office. The applicant may proceed to the preliminary plan process following the meeting with the Planning Commission and Board of Supervisors. The applicant shall incorporate the comments or concerns of the Planning Commission, Board of Supervisors, and staff and make every effort to address these items in the preliminary plan.

Section 305 Preliminary Plan Application

- A. **Preliminary Plan Application** With the exceptions noted in Section 308 of this Ordinance, a preliminary plan is required for applications that propose new streets, all land development plans, and subdivision plans that create four (4) or more lots including the parent tract either initially or cumulatively as of the date of the adoption of this Ordinance. All other plans may be submitted as final plans in accordance with Section 306.
- B. **Approval of a Preliminary Plan Application** Approval of a preliminary plan application shall constitute approval of the proposed subdivision and/or land development as to the character and intensity of development and the general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute final plan approval. The preliminary plan may not be recorded in the office of the Recorder of Deeds.

Section 306 Final Plan Application

- A. **Prerequisites to Filing Final Plan Application** An application for final plan approval can be submitted only after one of the following, when required, have been completed:
1. The receipt of an unconditional preliminary plan approval in accordance with Section 303 of this Ordinance, when a preliminary plan approval is required, and/or,
 2. The completion of the improvements required by this Ordinance in accordance with the improvement construction plan procedure stated in Section 307 of this Ordinance, when the improvements are not assured by the posting of financial security as provided in Article V of this Ordinance.
- B. **Final Plan Applications**
1. The final plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan; provided that each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved preliminary plan.
 2. The Township may accept a final plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan review. The Board, with a recommendation from the Township Planning Commission, shall determine whether a modified final plan will be accepted or whether a new preliminary plan shall be submitted.
- C. **Application Requirements** In addition to the application requirements of Section 303, Final Plans which require access to a highway under the jurisdiction of the PA Department of Transportation, shall include two (2) copies of the plans prepared to support the application for a Highway Occupancy Permit.
- D. **Final Plan Certification** After the Board's approval of the final plan and the required changes, if any, are made, the applicant shall proceed to prepare two (2) sets of final plans, which shall be transparent reproductions of the original plan with black line on stable plastic base film (mylar or equal) and one (1) set of final plans which shall be a paper copy for the Township's files.
- E. Upon compliance with all conditions of plan approval to the satisfaction of the Township and compliance with Article V of this Ordinance, two (2) transparent copies of the final plan shall be certified in the following manner: both final plans shall be presented to the Planning Commission

and the Board for the signature of the respective Chairman or Vice Chairman or their designees. Final plans will not be signed by the Board prior to certification by the Planning Commission or if submitted more than ninety (90) days from the Board's final approval action unless the Board grants a modification by extending the effective time period of the approval.

- F. **Final Plan Recordation** Upon approval and certification of a final plan and payment of any and all outstanding fees, the applicant shall record the plan in the office of the Recorder of Deeds. Should the applicant fail to record the final plan within ninety (90) days of the Board's final plan approval, the Board's action on the plan shall be null and void unless the Board grants a modification by extending the effective time period of the approval.
1. The final plan shall be filed with the Recorder of Deeds.
 2. Proof of such recording, as may be provided by the Recorder of Deeds, shall be provided to the Township immediately upon recordation of the plan and prior to proceeding with the sale of lots.
 3. The final plan shall be filed with the Recorder of Deeds before proceeding with the construction of any improvement except as provided for in Section 307 of this Ordinance.
 4. No subdivision or land development plan may be recorded unless it bears the endorsement of the Board.
- G. **Effect of Recording of Final Plan** Recording the final plan, after approval of the Board, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided in Article IV of this Ordinance. However, the approval of the Board shall not impose any duty upon the Commonwealth, County, or Township concerning acceptance, maintenance, or improvement of any such dedicated areas or portion of same until the proper authorities of the Commonwealth, County, or Township actually accept same by ordinance or resolution, or by entry, use, or improvement.
- H. The landowner may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such area shall remain with the owner, and neither the Commonwealth, County, Township, nor any applicable authorities shall assume any right to accept ownership of such land or right-of-way.

Section 307 Improvement Construction Plan

- A. **Improvement Construction Plan Application** After an applicant has received official notification that the preliminary plan has been approved, an application may be processed for an improvement construction plan.
1. The improvement construction plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan; provided that each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved preliminary plan.
 2. The Board may accept an improvement construction plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan review. The Board shall determine, with a recommendation from the Township Planning Commission, when a

modification will require a revised preliminary plan.

- B. **Plan Requirements** All improvement construction plans shall be prepared in conformance with the provisions of Section 405 of this Ordinance, with the exception of Sections 405.4.B, 405.4.D, and 405.4.E.
- C. **Improvement Construction Plan Certificate and Construction Authorization** After the Board's approval of the improvement construction plan and the required changes, if any, are made, the applicant shall proceed to prepare two (2) plans which shall be transparent reproductions of the original plan with black line on stable plastic base film (mylar or equal). These plans shall be certified in the following manner:
1. Both improvement construction plans shall be presented to the Board for the signature of the Chairman and Vice Chairman or their designees. Improvement construction plans will not be signed by the Township if submitted more than ninety (90) days from the Board's approval action unless the Board grants a modification by extending the effective time period of the approval.
 2. Approval and certification of an improvement construction plan shall not constitute final plan approval of the proposal, nor shall this plan be recorded with the Recorder of Deeds, but shall, when combined with the necessary municipal and/or Commonwealth approvals and permits, grant the authority to install the improvements required as part of this Ordinance.
 3. Following the Board's certification of the improvement construction plan, one (1) copy of the plan will be retained by the Board and the remaining copy will be available to the firm which prepared the plan.
 4. Improvement construction plan approval will be effective for a five (5) year period from the date of the Board's approval action. Construction must be completed and a final plan application must be submitted within five (5) years of the improvement construction plan approval, or else the plan approval will become null and void unless the Board grants a modification by extending the effective time period of the approval.
- D. **Completion of Improvements** Upon completion of the improvements required by this Ordinance, the applicant may proceed to submit a final plan and application which shall include notice of approval of the improvements by the authority which is to accept the improvement

Section 308 Plans Exempted from Preliminary Plan Procedures

Plans that meet the criteria as listed hereafter shall be exempt from the requirement to process a preliminary plan and may process a final plan prepared in accordance with Article IV.

A. **Lot Add-On Plans**

1. Lot Add-On Plans shall meet the following criteria:
 - a. A lot add-on plan shall only be prepared for the conveyance of land for the sole purpose of increasing the size of a contiguous parcel.

- b. A lot add-on plan shall not create any additional lot(s).
 - c. A lot add-on plan shall not result in any nonconformity with the design standards found in Article VI of this Ordinance
 - d. A lot add-on plan shall not alter the site and/or existing storm water management facilities in a manner that affects the discharge of storm water to an adjacent property or significantly relocates a major storm water management facility within the project.
 - e. A lot add-on plan shall not alter a recorded plan or revise any approved final plan which has not yet been recorded. The alteration of a recorded plan or an approved final plan which has not been recorded shall be by a revised final plan (See Section 308.D).
2. In every case where a proposal conforms to the above, the application shall submit to the Township two (2) black on white or blue on white paper copies of a lot add-on plan prepared to the standards specified in Section 406 of this Ordinance and one (1) application form as provided in the Appendix. In addition to submitting the required material, the applicant shall provide all filing fees as required by the Township plus documentation that plans have been properly submitted to the County Planning Commission.
 3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in Section 306 of this Ordinance.

B. Separation Subdivision

1. Separation subdivision plans may be used to divide one lot into two lots whose common boundary is one of the following:
 - a. The centerline of an existing street; or,
 - b. The centerline of an existing creek or stream; or,
 - c. A municipal boundary.
2. The proposed lots to be created by the separation subdivision plan shall conform to all the following:
 - a. The proposed lots shall be separated by the common boundary along its entire length through the parent tract; and,
 - b. The proposed lots shall conform to the design standards found in Article VI of this Ordinance; and,
 - c. The proposed lots shall conform to requirements of the Zoning Ordinance.
3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in Section 306 of this Ordinance.

C. **Minor Subdivision**

1. In the case of a subdivision plan of three (3) lots or less, either initially or cumulatively from the effective date of this Ordinance, which does not require provisions for a new street, the applicant may at his discretion concurrently submit preliminary and final plans for action at the Board meeting. For the purpose of interpreting this Section of the Ordinance, a subdivision of not more than three (3) lots shall include the remaining (parent) tract.
2. In the case of a land development plan proposing: 1) The construction of one (1) non-residential building not exceeding 10,000 square feet of building area; or, 2) The construction of an addition to a non-residential building not exceeding 5,000 square feet of additional building area, the applicant may at his discretion concurrently submit preliminary and final plans for action by the Township.
3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in Section 306 of this Ordinance.
4. All other plans shall be submitted in accordance with Section 305 of this Ordinance.

D. **Revised Subdivision and/or Land Development Plans** Any replatting, revision, or resubdivision of recorded plans or any replatting, revision, or resubdivision of any unconditionally approved final plan which has not been recorded, excluding lot grading plans in subdivisions, shall be considered as a new application and shall comply with all requirements of this Ordinance, except that plans may be changed, provided that in making such changes:

1. No lot or tract of land shall be created that does not meet the minimum design standards required by this Ordinance and existing Township regulations.
2. No structure shall be relocated which does not meet the minimum design standards required by this Ordinance and existing Township regulations.
3. No increase is made in the overall density and no additional lots are created.
4. The site and/or storm water management facilities are not altered in a manner that affects the discharge of storm water to an adjacent property or significantly relocates a major storm water management facility within the project.
5. Street locations and block sizes shall not be changed.
6. The character and land use of the original application shall be maintained.
7. In every case where a plan alteration conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in Section 306 of this Ordinance.

E. **Accessory Dwelling Plans** Accessory dwelling plans shall be processed in accordance with the Accessory Dwelling Policy and Guidelines as provided in the Appendix.

Section 309 Storm Water Management Plans

When a Storm Water Management Plan is required as part of a Subdivision and/or Land Development Plan (see definition of Plan), the Storm Water Management Plan will be an integral part of the Subdivision and/or Land Development Plan and those plan processing procedures, as outlined in the Paradise Township Storm Water Management Ordinance, shall apply.

Section 310 Procedure for Requesting the Consideration of a Modification of the Provisions of this Ordinance

- A. **Application Requirements** A request for a modification may be submitted to the Township at any time. All requests shall include a completed application for consideration of a modification as provided in the Appendix, be in writing and accompanied by a plan prepared at least to the minimum standards of a sketch plan (See Section 402). The written request shall identify:
1. The specific section of this Ordinance which is requested to be modified.
 2. The provisions proposed as an alternate to the requirements. The alternate provisions must be equal to or better than the requirements of, and consistent with, the intents of this Ordinance and shall not be contrary to the general public interest.
 3. Justification for the modification. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based.
- B. **Township Action**
1. A modification request that is submitted as part of an application for subdivision, land development plan, lot add-on, or improvement construction plan shall be processed along with that application of which it is a part. The plan processing procedures outlined in Section 303 shall apply.
 2. If a modification request is not submitted with an application for subdivision, land development, lot add-on, or improvement construction plan, then the processing procedures outlined in Section 303 shall apply.

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ARTICLE IV

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

Section 401 General

This article sets forth the plan and report preparation standards. The following standards shall apply to the preparation of all sketch plans, subdivision, land development and reports. All plan information reports shall be provided in an easy to read format and shall be legible in every detail to the satisfaction of the Township. All plans shall be prepared in general accordance with the Standard Plan Format as provided in the Appendix.

Section 402 Sketch Plans

A. General

1. For major development or unusual circumstances that could benefit from the pre-planing process, applicants are encouraged to submit Sketch Plans as a means of facilitating the approval process. While the Township knows that Sketch Plan comments are not binding on either the Township or the applicant, the Township has identified the Sketch Plan process as one which allows for the exchange of information that is important in the planning process.
2. Sketch Plans should include any features of the Township's future land use plan, Official Map, community facilities plan, or of any plans of the Township, including but not limited to, proposed streets, recreation areas, drainage reservation, future schools sites and public areas. A specific site analysis should be provided which highlights man-made and natural features. The analysis should include information pertaining to soil types and stability, wetlands, scenic vistas, water courses, drainage patterns, slope, and transportation patterns and systems including deficiencies of existing roadways, public utilities, recreational facilities, and any other features of the site and nearby areas which may be affected or impacted by the proposed development and land use.

B. Drafting Standards The scale and sheet size of Sketch Plans shall be as required for subdivision and land development plans in Section 403.1. The Sketch Plan may be prepared by qualified landowner or individual, or an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The sketch plan shall show or be accompanied by the following data, legible in every detail and drawn to scale, but not necessarily containing precise dimensions:

1. Name and address of the developer/subdivider (if applicable), landowner and subject tract (if applicable).
2. Name of the individual and/or the firm that prepared the plan.
3. Location map with sufficient information to enable the Board to locate the property.

4. North arrow.
5. Written and graphic scales.
6. Approximate tract boundaries with the name(s) of adjacent landowner(s).
7. Name of the municipality or municipalities in which the project is located, including the location of any municipal boundaries if located within the vicinity of the tract.
8. Significant topographical and man-made features [e.g. structures, streets, buildings, tree masses, sloped areas, quarries, bodies of water, floodplains, and potential wetland areas and GIS contours.
9. Location of all proposed streets, alleys, street names, rights-of-way and easements; proposed lot lines with approximate dimensions; proposed minimum building lines for each street; playgrounds; public buildings; public areas; historical sites; and parcels of land proposed to be dedicated or reserved for public use.
10. Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.
11. Statement explaining the methods of water supply and sewage disposal to be used.

Section 403 General Requirements for Preliminary and Final Subdivisions and Land Development Plans

Preliminary and final subdivisions and land development plans shall be prepared by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The plans shall be prepared in accordance with the **STANDARD PLAN FORMAT** as provided in the Appendix and shall be accompanied by, or prepared in accordance with the following:

Section 403.1 Drafting Standards

All subdivision and land development plans shall be prepared in accordance with the following drafting standards.

- A. The plan shall be clearly and legibly drawn at a horizontal scale of 10 feet, 20 feet, 30 feet, 40 feet, or 50 feet to the inch.
- B. All profiles of storm water management facilities, streets, sanitary sewer facilities, and water supply facilities shall be drawn at a horizontal scale of 1" = 50' and at a vertical scale of 1" = 10', or 1" = 5'.
- C. A north arrow, graphic scale and written scale shall be provided.
- D. Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction.

- E. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- F. The sheet size shall be no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5).

Section 403.2 Project Location and Identification

The following location and identification shall be included on all subdivision and land development plans:

- A. The proposed project name or identifying title.
- B. Name of the municipality or municipalities in which the project is located, including the location of any municipal or zoning district boundaries if located within 200 feet of the subject tract.
- C. The name and address of the owner of the tract (or his authorized agent), the subject tract (if applicable), the developer/subdivider (if applicable), and the firm that prepared the plans.
- D. The file or project number assigned by the firm that prepared the plan, the plan date and the date(s) of all plan revisions.
- E. The entire parent tract boundary with bearing and distances as it existed on May 15, 1972.
 - 1. If it is the intention of the landowner to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed-plotting and may be drawn at any legible scale.
 - 2. If the retained lot has a lot area of ten (10) or less acres, it must be described to the accuracy of the requirements of this Ordinance.
 - 3. In the case of lot add-on plans and revised final plans, the boundary of the receiving tract shall also be identified as a deed plotting and may be drawn at any legible scale.
 - 4. The parent tract plotting shall include the following:
 - a. All parcels subdivided from the parent tract after May 15, 1972;
 - b. The deed reference for each lot subdivided after May 15, 1972;
 - c. The recording date and subdivision plan book reference for each lot subdivided after May 15, 1972.
- F. The total acreage of the entire existing parent tract.
- G. The location of existing lot line markers along the perimeter of the entire existing parent tract.
- H. The zoning district, lot size and/or density requirements of the Township Zoning Ordinance.

- I. A statement on the plan indicating the granting of a prior zoning amendment, special exception or variance, if applicable, along with any prior modifications granted by the Board to sections of this Ordinance.
- J. The names of all adjacent landowners; both adjoining and across existing rights-of-way along with the plan book record numbers of all previously recorded plans for adjacent properties.
- K. A location map, drawn to scale, relating the subdivision or land development to at least two (2) intersections of street centerlines, including the approximate distance to the intersection of centerlines of the nearest improved street intersection.
- L. Source of title, deed, book, page, plan book (if applicable), and account number.
- M. Reference any previously recorded plans or easements affecting the subject tract, including pertinent notes, restrictions, and obligations.

Section 403.3 Existing Features

The following features shall be shown on all subdivision and land development plans and shall be shown on **a separate sheet** titled "Existing Features." No proposed features shall be included on this sheet.

- A. Existing contours shall be shown at the following minimum vertical intervals:

<u>Average Natural Slope</u>	<u>Required Contour Interval</u>
0 to 3 %	1 foot contour interval
4 to 20%	2 foot contour interval
21% and greater	5 foot contour interval

- 1. Contour interval may be adjusted based upon horizontal scale with concurrence of the Township Engineer.
 - 2. Contours shall be accompanied by the location of the bench mark and a notation indicating the datum used. The datum used by an Authority shall be used in all plans indicating connection to an Authority's public sewer system or public water system.
 - 3. Contours plotted by interpolation of Lancaster County GIS mapping will only be accepted when there is no new construction or earth disturbance proposed by the plan.
 - 4. Contours plotted by interpolation of the United States Geodetic Survey 7.5' mapping will not be accepted.
- B. The following items **when located upon or within two hundred (200) feet** of the tract:
 - 1. The location and name of existing rights-of-way and cartways for private or public streets, alleys and driveways.
 - 2. The location and size of the following features and any related right-of-way: sanitary sewer mains, water supply mains, fire hydrants, buildings, and storm water collection, conveyance and management facilities.
 - 3. The location and size of existing on-lot sewage systems and wells.

4. The location of existing rights-of-way and easements for electric, gas and oil transmission lines, and railroads.
5. Significant environmental or topographic features such as floodplains, wetlands, quarry sites, solid waste disposal areas, historic structures, cemetery or burial sites, archaeological sites, highly erosive soils, or wooded areas.

C. The following items **when located within** the subject tract:

1. The size, capacity and condition of the existing storm water management system and any other facility that may be used to convey storm flows.
2. The location and size of existing on-lot sewage systems and wells.
3. The location and use of existing buildings and other man-made features.
4. Significant environmental or topographic features as identified in the Paradise Township Comprehensive Plan including, but not limited to:
 - a. Prime agricultural soils;
 - b. Underlying geology with any hazardous geology noted;
 - c. Floodplains;
 - d. Quarry sites;
 - e. Solid waste disposal areas;
 - f. Historic structures;
 - g. Cemetery or burial sites;
 - h. Archaeological sites;
 - i. Highly erosive soils;
 - j. Wooded areas;
 - k. Natural habitat; and,
 - l. PNDI sites.
5. The location of wetlands and subsequent data or information required by Section 408.4 of this Ordinance.

Section 403.4 Proposed Features and Plan Information

The following proposed features and plan information shall be shown on all subdivision and land development plans and shall be shown on a separate sheet entitled "Proposed Features." The proposed features and plan information shall be overlaid upon a copy of the existing features plan. The existing features shall be "screened" or "shaded" on the proposed features plan.

- A. Block and lot numbers in consecutive order (e.g. Block "A", Lots 1 through 10; Block "B", Lots 11 through 22).
 - B. The location and configuration of proposed buildings, parking compounds, streets, alleys, driveways, common open space, recreational areas, and all other significant planned facilities.
 - C. Total number of lots, units of occupancy, density, and proposed land use. If a multiple land use is proposed, the location of each land use shall be indicated.
 - D. Easements and rights-of-way.
 - E. Building setback line and building envelope.
 - F. Identification of buildings to be demolished.
 - G. Typical street cross-section for each proposed public or private street and typical cross-section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way width.
 - H. Storm water management data and plans designed in accordance with the Paradise Township Storm Water Management Ordinance.
 - I. A table indicating the existing zoning district, total tract area, required lot size, required setbacks, required maximum and/or minimum development density, maximum building height, maximum lot coverage, and number of lots in the proposed subdivision along with the proposals for each of these parameters.
 - J. A statement on the plan indicating the granting of a zoning amendment, special exception or variance, if applicable, along with modifications granted by the Board to sections of this Ordinance.
 - K. Where the proposed subdivision or land development is located partially or wholly within an area prone to frequent flooding (either by impoundment or conveyance) as indicated by the flood boundary and floodway map, profiles, and supporting data, soil type or local historical record; the developer shall supply the location and elevation of all proposed roads, fills, utilities, buildings, storm water management, and erosion control facilities.
 - L. Location of all percolation test holes, deep probe holes and proposed well locations.
 - M. Easements for the on-lot sewage replacement locations.
 - N. Clear sight triangles and stopping sight distances for all intersections as described in Section 602.10 of this Ordinance shall be shown on the plan.
 - O. The location of all trees and/or woodlands on the site and location of trees and/or woodland to be
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removed and trees and/or woodlands to remain.

Section 403.5 Certifications

The following certifications shall be included on all subdivision and land development plans.

- A. Certificate, signature and seal of the surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey is correct as provided in the Appendix.
- B. Certificate, signature and seal of a professional registered in the Commonwealth of Pennsylvania and qualified to perform such duties, to the effect that the plan is correct as provided in the Appendix.
- C. Certificate, signature and seal of a professional registered in the Commonwealth of Pennsylvania and qualified to perform such duties, indicating compliance with the provisions of the storm water management requirements of this ordinance as provided in the Appendix.
- D. Certificate of review by the Planning Commission as provided in the Appendix.
- E. Certificate for approval by the Board of Supervisors as provided in the Appendix.

Section 403.6 Notifications

The following notifications shall be included on all subdivision and land development plans, where applicable.

- A. **Emergency Services Provider Review**
 - 1. The Township may, at its sole discretion, require the review of any proposed project by the Emergency Services Provider(s) responsible for providing protection in that area of the Township.
 - 2. The purpose of this review shall be to provide notice to the Emergency Services Provider of the type and extent of the proposed use; to allow the Emergency Services Provider the opportunity to provide the Township and the applicant with comments on their ability to adequately respond to the proposed use; to recommend appropriate locations for dry hydrants; and, to allow the Emergency Services Provider to comment on the proposed horizontal and vertical geometry to insure adequate access for emergency response equipment.
 - 3. The Emergency Services Provider shall respond, in writing, to the applicant's request within thirty (30) days of the receipt of the applicant's submission. Failure of the Emergency Services Provider to respond within the above prescribed time period shall be deemed their concurrence with the proposed project.
 - 4. The applicant shall address the Emergency Services Provider's comments to the satisfaction of the Township.

B. Public Utility Lines

1. Where the tract described in the application includes any public utility, electric transmission line, gas pipeline, or petroleum product transmission line located within the subject tract, the applicant shall notify, in writing, the owner or lessee of the right-of-way of his intentions.
2. A note stating any conditions regarding the use of the land, minimum building setback or right-of-way lines shall be included on the plan.
3. This requirement may also be satisfied by submitting a copy of the recorded agreement.

C. Natural Resource Easement

1. Where the land included in the subject application has an agricultural, woodland or other natural resource easement located within the tract, the application shall be accompanied by a letter from the party holding the easement stating any conditions on the use of the land.
2. This requirement may also be satisfied by submitting a copy of the recorded easement.

Section 403.7 Reports

The following reports, as applicable, shall be included with all subdivision and land development plans.

- A. A hydrologic/hydraulic or storm water management report as required by the Paradise Township Storm Water Management Ordinance.
- B. A water feasibility report as described in Section 408.1 of this Ordinance.
- C. A sewer feasibility report as described in Section 408.2 of this Ordinance.
- D. A traffic impact study as described in Section 408.3 of this Ordinance.
- E. A wetland report as described in Section 408.4 of this Ordinance.

Section 404 Specific Requirements for Preliminary Plans

In addition to the requirements listed in Section 403, the following additional information shall be included on all preliminary subdivision and land development plans.

Section 404.1 Proposed Features and Plan Information

The following proposed features and plan information shall be shown on the "Proposed Features" sheet(s).

- A. The layout of streets, alleys and sidewalks, including cartway and right-of-way widths.
- B. The layout of lots with approximate dimensions, gross and net acreage.

- C. Street centerline profile for each proposed public or private street shown on the preliminary plan including corresponding centerline stationing.
- D. The preliminary design of the proposed sanitary sewer mains, and water supply mains and facilities. This information shall include the approximate size, vertical location and horizontal location, if applicable.
- E. Proposed street names.
- F. Where the preliminary plan covers only a part of an intended larger development, a sketch plan of the future development, in a form suitable to the Township and in compliance with the requirements of this Ordinance, including the logical extension of the sewer and water facilities for the unsubmitted part shall be furnished. The street system of the plan under consideration may be subject to review, and the submitted part will be considered in light of adjustments and connections with future streets and utilities in the part not submitted.
- G. In case of a preliminary plan calling for the installation of improvements beyond a five (5) year period, a schedule delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed shall be provided. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of dwelling units as depicted on the preliminary plan.
- H. Certificate of review by the Planning Commission as provided in the Appendix.
- I. Certificate for approval by the Board of Supervisors as provided in the Appendix.

Section 405 Specific Requirements for Final Plans

In addition to the requirements listed in Section 403, the following additional information shall be included on all final subdivision and land development plans. Revised Final Plans, as defined herein, shall not be required to include the off-site existing features information as specified in Section 403.3.B.

Section 405.1 Drafting Standards

All sheets to be recorded by the Recorder of Deeds shall be twenty-four by thirty-six (24 x 36) inches.

Section 405.2 Proposed Features and Plan Information

The following proposed features and plan information shall be shown on the "Proposed Features" sheet(s).

- A. Complete description of the centerline and right-of-way line for all new streets, whether public or private, and alleys. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord.
- B. Lot lines with accurate bearings and distances and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearings, and distances. Along existing street rights-of-way the description may utilize the existing deed lines or street centerlines; along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines.

- C. Total number of lots, units of occupancy, density, and proposed land use. If a multiple land use is proposed, the location of each land use shall be indicated.
- D. Final vertical and horizontal alignment for proposed public or private streets and alleys, sanitary sewer, and water distribution systems. All street profiles shall show at least the existing (natural) profile along the centerline, proposed grade at the centerline and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material. This information may be provided on separate sheets and is not subject to recording with the final plans.
- E. Final street names.
- F. Location and material of all lot line markers, including a note that all lot markers are set or indicating when they will be set.
- G. A detailed grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording with the final plans. in accordance with the Paradise Township Storm Water Management Ordinance.
- H. Identification of any lands to be dedicated or reserved for public, semi-public or community use.
- I. In the case of a plan which requires access to a highway under the jurisdiction of the Department of Transportation, the inclusion of the following plan note:

"A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the 'State Highway Law', before access to a state highway is permitted. Access to the state highway shall be as authorized by a Highway Occupancy Permit, and the Board of Supervisors' approval of this plan in no way implies that such a permit can be acquired."
- J. All final plans proposing residential development or residential uses within or adjoining the Agricultural Zoning District or agricultural uses must contain in conspicuous form the following language: *"WARNING: The property described herein is located within an area where land is used for agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal accepted agricultural practices and operations, including but not limited to, noise, odors, dust, operation of machinery of any kind including aircraft, storage and disposal of manure, and application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982 'The Right to Farm Law' may bar them from obtaining a legal judgement against such normal agricultural operations."* A copy of the final plan shall be issued to the purchaser of each lot within the subject subdivision. The note shall be included on all deeds of the subject subdivision.
- K. A complete landscape plan, prepared by a landscape architect, showing the location, size and type of all plant material required by provisions of this Ordinance or any other applicable Township regulations, including but not limited to, screening, buffer planting, parking landscaping, replacement trees, and street trees. The landscape plan should be provided on separate sheets and must include the signature and seal of the registered landscape architect responsible for preparation of the plan.

- L. A detailed schedule of inspections, as generally outlined by Section 504 of this Ordinance, which is tailored for the site under consideration.
- M. In the case of Land Development Plans, architectural elevations shall be submitted for review by the Township.

Section 405.3 Certificates

- A. Certificate of review by the Planning Commission as provided in the Appendix.
- B. Certificate for approval by the Board of Supervisors as provided in the Appendix.
- C. Certificate for approval by the Township Engineer as provided in the Appendix.
- D. A statement duly acknowledged before an officer authorized to take acknowledgment of deeds and signed by the landowner, certifying that the subdivision or land development shown on the plan is the act and the deed of the owner; that all those signing are all the owners of the property shown on the survey and plan; that they desire the same to be recorded as such, and that all streets and other property identified as proposed public property are dedicated for public use, as provided in the Appendix. This must be dated following the last change or revision to said plan.
- E. Certification of review by the County Planning Commission as provided in the Appendix.

Section 405.4 Notifications

- A. Notification from DEP that approval of the sewage facility plan revision (plan revision module for land development), supplement or exemption request has been granted or notice from DEP that such approval is not required.
- B. Notice from Lancaster County-Wide Communications stating that the proposed private and/or public street names are acceptable.
- C. Notice from the Lancaster County Conservation District of the approval of the Erosion and Sedimentation Pollution Control Plan.
- D. A note shall be placed on the plan indicating any area that is not to be offered for dedication, if applicable.
- E. Written notice from the Township Engineer and the appropriate Authority Engineer that all proposed improvements have been designed to the standards of the Township and/or the Authority and that financial guarantees in a form suitable to the Board of Supervisors and the appropriate Authority have been received. (See the Appendix and Article V.)
- F. When the applicant posts financial guarantee in lieu of completion of the improvements, the Final Plan shall be accompanied by a completed improvement guarantee agreement. General examples of these agreements are provided in the Appendix.
- G. Such written notices of approval as may required by this Ordinance, including written notices approving the water supply systems, sanitary sewage systems and storm water runoff to adjacent properties.
- H. The submission of a controlling agreement in accordance with Section 602 when an application proposes to establish a street which is not offered for dedication to public use.

- I. Notification from the appropriate state and federal agencies that permits have been issued, or are not required, for any proposed activities within streams, wetlands or any other state or federally regulated body of water. These permits include, but are not limited to, Floodplain Encroachment Permits, Dam Safety Permits, Earth Disturbance Permits, Stream Encroachment Permits, and General Permits.
- J. When the final plan is submitted in sections, the above notifications for all applicable activities on the entire site, shown on the approved preliminary plan shall be provided upon submittal of the first final phase of the project.

Section 405.5 Reports

- A. A final hydrologic/hydraulic report as required by the Paradise Township Storm Water Management Ordinance.
- B. A final traffic impact study as described in Section 408.3 of this Ordinance.

Section 406 Lot Add-On Plans

Lot add-on plans shall be prepared by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The plan shall be accompanied by, or prepared in accordance with the following:

- A. **Drafting Standards** The same standards shall be required for a lot add-on plan as specified for subdivision and land development plans in Section 403.1 of this Ordinance
- B. **Project Location and Identification** The same standards shall be required for a lot add-on plan as specified for subdivision and land development plans in Section 403.2 of this Ordinance.
- C. **Existing Features** The same standards shall be required for a lot add-on plan as specified for subdivision and land development plans in Section 403.3 of this Ordinance with the exception of topography required by Section 403.3.A and the off-site features required by Section 403.3.B.
- D. **Proposed Features and Plan Information** The same standards shall be required for a lot add-on plan as specified for subdivision and land development plans in Section 403.4 and for final plans in Section 405.2 of this Ordinance.

Section 406.1 Certificates

- A. Certificate, signature and seal of a surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey is correct as provided in the Appendix.
- B. Certificate, signature and seal of a professional registered in the Commonwealth of Pennsylvania and qualified to perform such duties, to the effect that the plan is correct as provided in the Appendix.
- C. Certificate of review by the Planning Commission as provided in the Appendix.
- D. Certificate for approval by the Board of Supervisors as provided in the Appendix.
- E. Certificate for approval by the Township Engineer as provided in the Appendix.

- F. A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such, as provided in the Appendix.
- G. Certification of review by the County Planning Commission as provided in the Appendix.

Section 407 Separation Subdivision Plans

Separation subdivision plans shall be prepared by an engineer, surveyor, or landscape architect licensed to practice in the Commonwealth of Pennsylvania. The plan shall be accompanied by, or prepared in accordance with the following:

- A. **Drafting Standards** The same standards shall be required for a separation subdivision plan as specified for subdivision and land development plans in Section 403.1 of this Ordinance with the exception that all sheets to be recorded in the Recorder of Deeds Office shall be no larger than twenty-four by thirty-six (24 x 36) inches.
- B. **Project Location and Identification** The same standards shall be required for a separation subdivision plan as specified for subdivision and land development plans in Section 403.2 of this Ordinance.
- C. **Existing Features** The same standards shall be required for a separation subdivision plan as specified for subdivision and land development plans in Section 403.3 of this Ordinance with the exception of topography required by Section 403.3.A and the off-site features required by Section 403.3.B.
 - 1. For any separation subdivision proposing new construction, existing and proposed contours shall be provided for all areas of proposed earth disturbance at the vertical interval as specified for subdivision and land development plans in Section 403.3.A of this Ordinance.
- D. **Proposed Features and Plan Information** The same standards shall be required for a separation plan as specified for subdivision and land development plans in Section 403.4 and for final plans in Section 405.2 of this Ordinance.

Section 407.1 Certificates

- A. Certificate, signature and seal of a surveyor registered in the Commonwealth of Pennsylvania to the effect that the survey is correct as provided in the Appendix.
- B. Certificate of review by the Planning Commission as provided in the Appendix.
- C. Certificate for approval by the Board of Supervisors as provided in the Appendix.
- D. Certificate for approval by the Township Engineer as provided in the Appendix.
- E. A statement, duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the landowner, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded as such, as provided in the Appendix.

- F. Certification of review by the County Planning Commission as provided in the Appendix.
- G. Notification from DEP that approval of the sewer facility plan revision (planning module), supplement, or exemption request has been granted or notice from DEP that such approval is not required.

Section 408 Required Reports

The following reports shall be included with all subdivision and land development plans as stipulated herein:

Section 408.1 Water Service Feasibility Report

- A. The applicant shall submit a feasibility report concerning the availability of a public, private, or individual on-lot water system in or near the proposed subdivision or land development. The report shall be prepared by a registered professional and be submitted in conjunction with the preliminary or final plan for review by the Township and the authority (if applicable).
 - 1. A drawdown/well interference report shall be prepared for all subdivisions of the parent tract into more than three (3) lots, including the remaining lands, either initially or cumulatively, as of the effective date of this Ordinance.
 - 2. A drawdown/well interference report shall be prepared for all land developments proposing flows of four hundred (400) gallons per day, either initially or cumulatively, as of the effective date of this Ordinance.
 - 3. All lots to be created, and any land development plan that proposes flows equal to or greater than four hundred (400) gallons per day, within any Urban or Village Area, or within any area that the 537 Plan identifies to be served by public facilities, shall be served by public water if available.
 - 4. For those areas not located within an Urban or Village Growth Areas or within any area that the 537 Plan identifies to be served by public utilities, the feasibility report is not required for residential subdivisions of three (3) lots or less, including remaining lands; and land development plans which propose flows less than four hundred (400) gallons per day initially or cumulatively as of the effective date of this Ordinance.
- B. If connection to an existing public water system is proposed, the subdivider or developer shall submit an agreement committing the public water system to provide such water as will be utilized by the subdivision or land development for such period of time and under such terms and conditions as the public water system provides water service elsewhere in its service area.
- C. If the water supply system proposed involves the utilization of water obtained from the tract being subdivided or developed (irrespective of whether that water is being distributed as a part of a community water supply system), that water supply source may be utilized only when the feasibility study establishes and the engineer performing the study certifies that:
 - 1. Withdrawal rates and amounts shall be managed to balance natural recharge rates and amounts on a site-specific basis to insure that the potential of interference with adjacent properties is minimized as follows:

- a. The groundwater recharge on the specific tract in question will exceed the anticipated water withdrawal during a one (1) in ten (10) year drought or a forty (40) percent below normal reduction in precipitation for recharge based upon the following:
 - 1) The area available for recharge shall be based upon post-developed impervious conditions;
 - 2) The recharge rate may include estimated recharge from on-lot sewage disposal systems;
 - 3) The recharge rate shall include an analysis of the impact of the post-developed storm water management system; and,
 - 4) The recharge rate may include estimated recharge from storm water management infiltration facilities.
- b. For residential developments, the withdrawal rate shall be based upon a rate of three hundred fifteen (315) gallons per day per three (3) bedroom dwelling.
 - 1) The withdrawal rate shall be increased by ninety (90) gallons per day for each additional bedroom over three (3) bedrooms.
- c. Commercial, industrial, agricultural or any other non-residential withdrawal rates shall be calculated by increasing the DEP sewage flows as provided Chapter 73.17 by twenty (20) percent.
 - 1) The feasibility study shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township or Authority.
- d. Withdrawal rates for all other uses not provided for by the above shall be based upon the maximum anticipated peak demand increased by twenty (20) percent.
 - 1) The feasibility study shall include a description of the proposed use, the proposed number of employees and whether or not water will be used for cleanup and/or processing or otherwise in connection with the use. The applicant shall in addition set forth the proposed allocation of available water supply between or among the proposed uses and shall set forth a plan or proposal pursuant to which such allocation can reasonably be monitored and enforced by the Township or Authority.
- e. A preliminary groundwater computer model shall be developed to produce a plot of the anticipated drawdown within the groundwater system to demonstrate that the installation of the proposed water system (s) will not lower the groundwater table in the area so as to endanger or decrease the water supplies necessary for properties adjacent to the proposed project;

2. The study is approved by the Township Engineer.
- D. In all cases the applicant shall demonstrate that the water to be supplied shall be potable and shall meet all applicable standards of DEP or the United States Environmental Protection Agency.
- E. **Water Supply Facility**
1. Where determined as feasible and necessary by the Board, the applicant shall connect to the existing public water system. Feasibility will be determined by the Board, and be based upon the Water Authority's Water Connection Ordinance and/or the Water Authority standards requiring connection and analysis of compliance with the above requirements.
 2. If the applicant proposed connection to the public water system, the locations and kind of fire hydrants shall be in accordance with the specifications of the Water Authority or public utility that operates such water system in concert with the local fire department thread requirements. A copy of the approval of such system by the Water Authority or the public utility shall be submitted.
 3. If the applicant proposes connection to the public water system, the final plan application shall include a statement from the Water Authority or the public utility indicating the approval of the plans for design, installation and possible financial guarantees.
 4. If the applicant proposes connection to the public water system, the installation and construction shall be in accordance with the specifications of the Water Authority or the public utility. The Water Authority or the public utility shall establish requirements for the ownership and maintenance of such system.
 5. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or land development, the applicant shall present evidence that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by the Water Authority. A copy of a certificate of public convenience or an application for such certificate, a cooperative agreement or a commitment to serve the area in question, whichever is appropriate, shall be acceptable evidence.
 6. If the applicant proposes to provide a community water supply system, its installation shall be in accordance with the Water Authority specifications and all regulations of DEP. The applicant shall obtain all permits and approvals required by the Water Authority, the public utility or DEP prior to final plan approval.

Section 408.2 Sewer Service Feasibility Report

- A. The applicant shall submit a feasibility report concerning the availability of a public sewer system in or near the proposed subdivision or land development. In the event the project is located beyond an area to be served by public sewer, the report shall discuss the appropriateness of on-lot sewage disposal facilities to service the project. The report shall be prepared by a registered professional engineer and in accordance with the Township's Public Sewage Ordinance No. 193 of 1993 and shall be submitted in conjunction with the preliminary or final plan for review by the Township and the Authority (if applicable).

1. All lots created and land development plans within any Urban or Village Growth Areas, or within any area that the 537 Plan identifies to be served by public utilities, shall be served by public sewer.
 2. For those areas proposed for public sewage service by the future extension of public sewer and the Township has, at its sole discretion, determined that the extension of public sewer is not feasible at the time application is made, may, subject to approval by the Township and in accordance with DEP and Township requirements, be served with a holding tank until such time as public sewer service is available.
 3. For those areas not located within an Urban or Village Growth Areas or within any area that the 537 Plan identifies to be served by public utilities, the feasibility report is not required for residential subdivisions of three (3) lots or less, including remaining lands; and land development plans which propose flows less than four hundred (400) gallons per day both either initially or cumulatively, as of the effective date of this Ordinance.
- B. If connection to an existing public sewer system is proposed, the subdivider or developer shall submit an agreement committing the public sewer system to provide such sewage disposal as will be utilized by the subdivision or land development for such period of time and under such terms and conditions as the public sewer system provides sewage disposal service elsewhere in its service area.
- C. As a part of the feasibility study, the applicant shall state the type of sewage disposal desired for each of the proposed lots. If other than connection to a public sewer system or the installation of a conventional on-site sewage disposal system is intended on any of the lots, that fact shall be indicated on the plan itself.
1. If connection to an existing public sewer system is proposed the subdivider or developer shall so state.
 2. The Board will approve on-lot sewage disposal systems only when the Township Sewage Enforcement Officer and/or a sanitarian of DEP shall certify that both an initial location and a replacement location for the on-lot sewage disposal system, as required by Section 408.2.D, are present on each lot.
 3. As a part of the feasibility study, there shall be included the results of the probe hole analyses and soil absorption tests on each of the lots as proposed in the subdivision. These probe hole analyses and soil absorption tests shall be certified as accurate by the Township Sewage Enforcement Officer.
 4. Subdivisions proposing a lot or lots utilizing alternate or experimental on-site sewage disposal systems will not be approved by the Board unless:
 - a. The Township Sewage Enforcement Officer and/or a sanitarian of DEP certifies that a proposed sewage disposal site cannot reasonably be located so as to enable the lot to utilize a conventional on-site sewage disposal system; and,
 - b. The lot itself cannot reasonably be redesigned or relocated consistent with the Township Zoning Ordinance and other Township regulations so as to enable utilization of a conventional on-site sewage disposal system.

D. **Sewage Disposal System**

1. **Sanitary Sewage Disposal**

- a. Where required by this Ordinance, the applicant shall connect to the public sewer system. Feasibility will be determined by the Board, and be based upon applicable authority standards requiring connection and/or analysis of the sewer and water feasibility study required by Section 408 of this Ordinance.
- b. When the Township, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, determines the necessity for a sewer facilities plan revision (plan revision module for land development), or supplement, the Board shall require that notice of approval from DEP be submitted as a condition of final plan approval.
- c. If the applicant proposes connection to the public sewer system, the final plan application shall include a statement from the Sewer Authority indicating the approval of the plans for design, installation and possible financial guarantees.
- d. If the applicant proposes connection to the public sewer system, the sewerage installation shall be in accordance with the specifications of the Sewer Authority. The Sewer Authority shall establish requirements for the ownership and maintenance of such system.
- e. If the applicant proposes to provide a community sewage system, its construction and installation shall be in accordance with applicable Sewer Authority specifications and all regulations of DEP. The applicant shall obtain all permits and approvals required by the Sewer Authority or DEP prior to final plan approval.

2. **On-Lot Sewage Disposal.**

- a. If the applicant proposes installation of on-lot sewage disposal and has presented documentation satisfactory to the applicable Sewer Authority and the Board proving the unfeasibility of connection to public or community sewer systems, the following documentation shall be provided:
- b. **Sewage Testing Required for all Proposed Lots** Each lot or lots to be created shall contain a suitable location for the installation of an initial individual on-lot sewage system except when such lot or lots to be created are to be served by a community sewage system. The Sewage Enforcement Officer shall perform or observe all tests required by DEP and this Ordinance for the location of an individual on-lot sewage system to confirm the suitability of the location.
- c. **Replacement Location for On-Lot Sewage Systems Required** Each lot or lots to be created shall contain a suitable location for the installation of a replacement individual on-lot sewage system. The Sewage Enforcement Officer shall perform or observe all tests required by DEP and this Ordinance for the location of an individual on-lot sewage system to confirm the suitability of the replacement location. The replacement location shall comply with all regulations issued by DEP concerning individual on-lot sewage systems, including isolation distances, and with the terms of this Ordinance and any other applicable Township Ordinances.

d. **Identification of Replacement Location**

- 1) Each applicant shall demonstrate to the satisfaction of the Sewage Enforcement Officer and/or a sanitarian certified by DEP that an area exists on the lot or on each lot to be created for an initial individual on-lot sewage system and for the replacement location. The Sewage Enforcement Officer or sanitarian shall perform all tests required by DEP regulations for the location of an individual on-lot sewage system to confirm the suitability of the replacement location. Allowance of open land for the replacement location without such testing shall not constitute compliance with the requirements of this Section.
- 2) The location of each initial individual on-lot sewage system and each replacement location shall be noted on the plans. An appropriate easement shall be provided around the replacement location and shown on the final plan. The purchaser of each lot shall be provided with a copy of the plans. A note shall be added to the plans stating that no improvements shall be constructed upon the replacement location easement, and the deed to each lot created as a part of the subdivision or land development shall contain language reflecting this limitation.
- 3) Any revisions to a permit or plan affecting a replacement location that previously has been approved pursuant to the provisions of this Ordinance shall be approved by the Township or its authorized representative.

e. **Construction of Improvements Upon or Disturbance of Replacement Location Prohibited.**

The replacement location shall not be excavated, graded, filled, or otherwise disturbed in any manner that would prevent its use as a future location for an on-lot sewage disposal system during development of the lot. No permanent or temporary improvements of any character other than the planting of trees, shrubs or other plant matter shall be constructed upon the replacement location unless the person who desires to construct such improvements shall demonstrate to the satisfaction of the Sewage Enforcement Officer that an alternate replacement location which complies with all applicable Township Ordinances exists upon the lot. If such an alternate replacement location shall be identified, the alternate replacement location may be considered to be the replacement location required by this Ordinance, shall be designated as the replacement location, and the plans shall be accordingly revised and submitted to the Planning Commission. The newly designated replacement location shall thereafter be considered the replacement location for the purposes of this Ordinance.

- f. The limits of both the initial individual on-lot sewage system and the replacement system location easement for each lot must be staked and roped off, or other acceptable measures, prior to issuance of building permits for each lot and properly maintained during construction until the issuance of an occupancy permit.

Section 408.3 Traffic Impact Study

- A. All residential developments or subdivisions containing ten (10) or more dwelling units or residential lots and all non-residential developments (with the exception of agricultural development) with buildings containing in excess of ten thousand (10,000) square feet of usable

space shall provide studies and reports in accordance with the requirements of this Section. All applicants with developments which do not meet the above stated criteria shall submit the information required in Section 408.3.C.4.

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

- e. **Existing and proposed roadways and intersections** Within the study area, describe existing roadways and intersections (geometrics and traffic signal control) as well as improvements contemplated by government agencies.
2. **Analysis of Existing Conditions** This section describes the results, as well as the data collection efforts, of the volume/capacity analysis to be completed for the roadways and intersections in the vicinity of the site under existing conditions.
 - a. **Daily and peak hour(s) traffic volumes** Provide schematic diagrams depicting daily and peak hour(s) traffic volumes for roadways within the study area. Turning movement and mainline volumes are to be presented for the three (3) peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. Include the source and/or method of computation for all traffic volumes.
 - b. **Volume/capacity analyses at critical points** Utilizing techniques described in the Highway Capacity Manual or Derivative nomographs, include an assessment of the relative balance between roadway volumes and capacity. Perform the analysis for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
 - c. **Level of service at critical points** Based on the results obtained in the previous section, levels of service (A through F) are to be computed and presented. This section should also include a description of typical operating conditions at each level of service.
3. **Analysis of Future Conditions Without Development** This section describes the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed zoning or subdivision request. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development.
 - a. **Daily and peak hour(s) traffic volume** Clearly indicate the method and assumptions used to forecast future traffic volumes in order that the Township can duplicate these calculations. The schematic diagrams depicting future traffic volumes will be similar to those described in Section 408.3.C.2.a. in terms of locations and times (daily and peak hours).
 - b. **Volume/capacity analyses at critical locations** Describe the ability of the existing roadway system to accommodate future traffic (without site development). If roadway improvements or modifications are committed for implementation, present the volume/capacity analysis for these conditions.
 - c. **Levels of service at critical points** Based on the results obtained in the previous section, determine levels of service (A through F).
4. **Trip Generation** Identify the amount of traffic generated by the site for daily and the three (3) peak conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township.

5. **Trip Distribution** Identify the direction of approach for site generated traffic for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that the Township can replicate these results.
6. **Traffic Assignment** Describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes should then be combined with anticipated traffic volumes from Section 408.3.C.3 to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.
7. **Analysis of Future Conditions With Development** This section describes the adequacy of the roadway system to accommodate future traffic with development of the site.
 - a. **Daily and peak hour(s) traffic volumes** Provide mainline and turning movement volumes for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.
 - b. **Volume/capacity analyses at critical points** Perform a volume/capacity analysis for the appropriate peak hours for future conditions with the site developed as proposed, similar to Sections 408.3.C.2.b and 408.3.C.3.b.
 - c. **Levels of service at critical points** As a result of the volume/capacity analysis, compute and describe the level of service on the study area roadway system.
 - d. Final design must address both traffic flow and traffic safety considerations to provide safe operational characteristics.
8. **Recommended Improvements** In the event that the analysis indicates unsatisfactory levels of service will occur on study area roadways, a description of proposed improvements to remedy deficiencies should be included in this section. The levels of service shall not deteriorate to worse than C if they are currently A or B, must be maintained if they are C, and improved to C if they are D, E, or F. In addition, there shall be no increase in delay if a satisfactory level of service can not be attained. These proposals would not include committed projects by the state and local jurisdictions that were described in Section 408.3.C.1 and reflected in the analysis contained in Sections 408.3.C.2 and 408.3.C.3.
 - a. **Proposed recommended improvements** Describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements are preliminary cost estimates, sources of funding, timing, and likelihood of implementation.
 - b. **Volume/capacity analyses at critical points** Another iteration of the volume/capacity analysis will be described which demonstrates the anticipated results of making these improvements.
 - c. **Levels of service at critical points** As a result of the revised volume/capacity analysis presented in the previous section, present levels of service for the highway system with improvements.

9. **Conclusion** The last section of the report should be a clear concise description of the study findings. This concluding section should serve as an executive summary.

D. **Contribution in Lieu of Preparation of Studies** If an applicant believes that the preparation of traffic study and report required herein is not warranted, he may request the Board to waive the preparation of such study.

1. The applicant for approval of any residential subdivision or land development shall provide the Township with a certification of the number and type of dwelling units to be constructed for the purpose of determining the contribution in lieu of preparation of studies.
2. The applicant for approval of any commercial, industrial or institutional subdivision or land development shall provide the Township with a certification of the usable building floor area to be constructed for the purpose of determining the contribution in lieu of preparation of studies.
3. The contribution in lieu of preparation of studies provided for herein shall be in addition to all charges imposed by any Authority for tapping and connection fees and shall be in addition to all other review, inspection and other fees or charges imposed by the Township and/or any Authority, and all sums otherwise agreed to be paid by the applicant.
4. The applicant shall enter into an agreement with the Township setting forth the contribution in lieu of preparation of studies to be paid and the studies to be waived by the Township. All such agreements shall be in a form satisfactory to the Township Solicitor.
5. All contributions in lieu of preparations of fees shall be paid prior to approval of the final plan by the Township Supervisors.
6. All developments receiving a modification of preparation of a traffic evaluation study in accordance with this section shall provide, as a minimum, the information required in Section 408.3.C.4.

Section 408.4 Wetlands Study

- A. The applicant shall submit a wetland study with the submittal of all subdivision and land development plans. The purpose of the study shall be to determine the presence and extent of wetlands on the site.
- B. The study shall be performed by a qualified wetland scientist. Qualified individuals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology, or environmental sciences. In general, other professionals, such as engineers, landscape architects, surveyors, planners, and geologists are not considered fully qualified to perform wetland delineations, unless they possess special ecological training and experience beyond their discipline. The Township reserves the right, in as much as no recognized certification program exists for wetland scientists, to determine the qualification of those preparing wetland delineations. Should a state or federal wetland scientist certification program be established, the Township will consider only those certified individuals

qualified to perform delineations.

- C. For sites on which no wetlands occur, an abbreviated report may be submitted. The abbreviated report should contain the results and discussion and conclusions information as required by Section 408.4.D.2 of this Ordinance. Site location, NWI and soil maps shall be provided.
- D. Requirements for Wetland Studies:
1. Delineations should follow the procedures outlined in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands, and any subsequent amendments.
 2. Delineations shall be supported by reports. The reports shall contain the following sections:
 - a. **Introduction** Description of the physical features of the site, its location and the proposed plans for the site.
 - b. **Methods** Description of the methods used for the survey, with particular emphasis on any deviation from the outlined federal method. Relevant information includes the date of the field studies, the number of transects and plots used, the size of vegetation quadrants employed, the size of soil pits used, taxonomic references used, and the disposition of any voucher specimens.
 - c. **Results and Discussion** Description of the findings of the study. Soils, vegetation and hydrology for wetland and upland areas of the site should be discussed. Any problem areas should be thoroughly treated.
 - d. **Conclusions** The extent of wetlands on the site should be discussed. The impact of the proposed project on these wetlands should also be considered.
- E. Included in the report as appendices or tables should be:
1. Site location map (USGS 7.5' quadrangle will suffice).
 2. NWI map.
 3. Soil survey map with soil descriptions.
 4. Data sheets for each plot.
 5. **Wetland Boundary Map** Wetland boundaries shall be surveyed by a registered professional surveyor and shown on a plan of appropriate scale. The limits of the wetland study shall be clearly shown. The plan shall also show the location of all plots and/or transects used in the study, the date of the delineation, a statement of the method used for the study, the name of the consulting firm which performed the delineation, the name of the surveyor, and a disclaimer statement indicating no wetland boundary is considered jurisdictional until approved by DEP and COE.
 6. Color photos of wetlands areas on the site, with locations and directions of view keyed to the wetland boundary map.

7. Resumes of the wetland scientist(s) who performed the delineation.
- F. All subdivision plans shall contain notes for future lot owners. The wetland boundary on each lot will be clearly marked. Each lot which contains wetlands, or to which access may be restricted by wetlands, shall have a note which states that state and federal laws require permits for all activities which result in a deposition of fill into delineated wetlands. The note shall also state that refusal of such a permit may restrict some uses of all or portions of the lot.
- G. Compensatory mitigation projects required as part of state or federal permits shall be shown on the subdivision plans. Future lot owners whose property encompasses all or part of a mitigation area shall be notified that the portion of their property that includes the mitigation area may not be altered, and is considered a jurisdictional wetland by the state and federal governments. Lot owners may be responsible for maintenance of mitigation areas. In order to help ensure the long-term viability of wetland mitigation efforts, the Township discourages multiple ownership of mitigation areas. Ownership by one individual or a homeowners association is encouraged. Owners of the wetland mitigation areas must be clearly identified to the Township.
- H. The Township reserves the right to reject any submitted wetland delineations. Should the Township feel the actual wetland area differs from that shown on the subdivision plan, the Township has the right to secure, at the developer's expense, qualified personnel to check the delineation and redraw the boundary as necessary. Should the developer subsequently disagree with the Township's delineation, a jurisdictional delineation by DEP and COE will be requested. Any charges for the jurisdictional delineation will be the responsibility of the developer.
- I. Where the study shows the existence of wetland areas, the delineated boundary shall be properly fenced off to prevent encroachment. Snow fence or other acceptable material shall be used (the use of silt fence is not acceptable). The fence shall be properly installed, at a minimum distance of five (5) feet outside the delineated boundary, prior to any construction or issuance of building permits. The fence must be properly maintained until all occupancy permits have been issued and/or for the extent of all construction.

ARTICLE V

IMPROVEMENT CONSTRUCTION ASSURANCES

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

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

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

Section 502 Release from Financial Security

- A. When the developer has completed all of the improvements as shown on the final plans, the developer shall notify the Board, in writing, by certified or registered mail, of the completion of the aforesaid improvements, enclosing therewith certification by the engineer responsible for the design of the improvements that they have been installed as designed, and shall send copies of the notice and certification to the Township Engineer. All requests shall include as-built plans as specified in Section 508 and of any other improvements to be dedicated to the Township and/or the Authority and of all streets, whether or not such streets shall be dedicated.
- B. The Board shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall thereupon file a report, in writing, with the Board and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board, said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of the reasons for such non-approval or rejection. Improvements shall not be considered completed unless the developer can demonstrate compliance with the requirements of this Ordinance, and all other applicable ordinances, statutes and regulations.

- C. The Board shall notify the developer within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail, of its action with relation thereto. If the Board or Township Engineer fails to comply with the time limitation provisions contained herein, or such time limitations as contained in the Municipalities Planning Code, whichever requirements shall contained a longer time period for action by the Township, all improvements will be deemed to have been approved and the developer's posted financial security shall be released.
- D. If any portion of the said improvements shall not be approved or shall be rejected by the Board, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
- 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 or Township Engineer.

Section 503 Remedies to Effect Completion of Improvements

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

Section 504 Inspection During Construction

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

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

A. General Site Construction

- 1. Upon completion of preliminary site preparation including stripping of vegetation, stockpiling of topsoil and construction of temporary erosion and sedimentation control devices.
- 2. Upon completion of rough grading, but prior to placing topsoil, permanent drainage, or other site development improvements and ground covers.
- 3. During the construction of permanent storm water management and BMP facilities.

4. Upon the final completion of permanent storm water management and BMP facilities, including the establishment of ground covers and plantings.
5. After review of the as-built drawings, required by Section 508, but prior to final release of the financial guarantee for completion of final grading, vegetative controls required by the BMP standards, or other site restoration work.

B. Street Construction

1. **Preparation of Road Subgrade** At the time of this observation, the subgrade should be proof rolled and the proposed crown and grade should be checked. It is recommended that a developer's/contractor's representative accompany the observer when the crown and grade are checked. Proof rolling should be performed with a fully loaded, tandem-axle dump truck.
 2. **Placement and Compaction of Road Subbase** At the time of this observation, the depth of subbase should be checked after compaction, the subbase should be proof rolled in the same manner as the subgrade and the crown and grade should be checked again. This observation must occur prior to any binder or base course being placed.
 3. **Placement and Compaction of the Binder/Base Course** At the time of this observation, the depth of the binder/base course should be checked, ambient temperature should be monitored (this is important in early spring and late fall days when the temperature can go below acceptable limits), the temperature of the bituminous material should be checked (if possible), and it is recommended that copies of the weight slips for each truckload are obtained. The crown and grade should also be checked again. This observation must occur prior to the wearing course being placed.
 4. **Placement and Compaction of the Wearing Course** At the time of this observation, the guidelines for the placement and compaction of the binder/base course should be followed.
- C. In addition to the above outlined observations, additional observations will be made at the request of the developer for reduction of financial securities. Random observations should be made at the frequency desired by the municipality. At the time of any of the above listed observations, all ongoing construction (i.e. storm drainage, sanitary sewer, water, erosion control, etc.) should also be checked for compliance with the approved plans and the findings reported. Since the above inspections are mandatory, it is recommended that requests for reduction of financial guarantee to be submitted to coincide with the above inspections.

Section 505 Offers of Dedication

- A. Any offer to dedicate any street or portion thereof shall be made on forms provided by the Township, along with all required supporting documentation and required fees. Offers for dedication may be submitted to the Township at any time during the calendar year, however, the Township will not formally act upon any offer of dedication prior to April 15 nor later than August 1 of any calendar year.
- B. The offer to dedicate streets, parks or other areas or portions of them does not impose any duty upon the Township and/or the Authority concerning maintenance or improvement until the proper authorities of the Township and/or the Authority have made actual acceptance of the dedication by ordinance or resolution or by entry or improvement.
- C. Where the Township accepts dedication of all or some of the required improvements following

completion, the Township may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in Section 501 of this Ordinance with regard to installation of such improvements and the amount of such financial security shall not exceed fifteen (15) percent of the actual cost of the installation of the said improvements.

- D. Where the Authority accepts dedication of some or all of the required improvements, the Authority may require the posting of financial security in accordance with its rules and regulations and applicable law.

Section 506 Effect of Plan Recording on Dedication and Reservations

Recording of the final plan after approval of the Board of Supervisors has the effect of an irrevocable offer to:

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

Section 507 Maintenance of Streets

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

Section 508 As-Built Plan

Prior to the final release of the financial security, the developer shall provide the Township with one (1) Mylar and two (2) prints of the final as-built plan showing the following:

- A. Actual location of all concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract. When the outside perimeter of a tract falls within or along an existing road right-of-way, then the right-of-way of that roadway shall be monumented at the above referenced points.
- B. Actual location of all iron pins or drill holes in curbs for all individual lot lines.
- C. Actual cul-de-sac radius.
- D. Actual horizontal and vertical location of cartway centerline versus right-of-way centerline.

ARTICLE VI

DESIGN STANDARDS

Section 601 General

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

Section 602 Streets

Section 602.1 General Design Standards

- A. Proposed streets shall conform to such township, county, and state street and highway plans as have been prepared, adopted and/or filed as prescribed by law.
- B. New streets shall be connected with streets of similar function, to form continuations thereof.
- C. Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project.
- D. Local streets shall be laid out to discourage use by through traffic.
- E. The rigid rectangular street pattern need not be adhered to; the use of curvilinear streets may be provided when their use will result in a more desirable layout.
- F. Where a development abuts an existing or proposed major street, the Board may require the use of marginal access streets, reverse frontage lots or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major street and separate the local and through traffic.
- G. If lots resulting from original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided, adequate rights-of-way for streets and other required improvements shall be provided as necessary to permit further subdivision.
- H. All streets shall be arranged to conform as closely as possible to the original topography.
- I. Streets shall be laid out to provide convenient and safe access to the property.
- J. Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- K. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill slopes associated with the construction of the streets, within or beyond the limits of the street right-of-way, shall not exceed a maximum of a 3:1 slope.
- L. The design speed and proposed speed limits for new streets shall be noted on the plan and shall be approved by the Township.

- M. Snow removal stockpile easements shall be provided at all intersections and cul-de-sacs. The snow removal stockpile easement shall be a minimum of forty (40) feet in length along the cartway. The depth shall be measured from the edge of the cartway and shall be equivalent to the minimum building setback line but in no case less than thirty (30) feet. No on-street parking, driveway, structure, any above ground part of any utility, landscaping, or any other use shall be permitted along and within the snow removal stockpile easement that would interfere with the intended purpose of the easement. All snow removal stockpile easements shall be delineated on all plans and the restrictions on their use shall be noted on the plans. All locations shall be approved by the Township.
- N. Where ever possible, mailboxes serving up to five (5) dwellings shall be installed in one location that is central to the dwellings served. On local streets, mailboxes shall be located so that the face of the mailbox is a minimum of twelve (12) inches and a maximum of twenty-four (24) inches from the edge of the paving.

Section 602.2 Private Streets

- A. All proposed streets shall be offered for dedication.
- B. Where a modification of this Section is granted by the Township, all private streets shall conform to the following requirements:
 - 1. Private streets shall meet all the design standards for public streets as required by this Ordinance.
 - 2. Applications that propose a private street shall include an agreement, in a form acceptable to the Township, which shall be recorded with the Recorder of Deeds as part of the final plan. This agreement shall establish the conditions under which the street will be constructed and maintained, as well as conditions controlling an offer of dedication, and shall stipulate:
 - a. That the street shall be constructed and maintained to conform to the provisions of this Ordinance.
 - b. The method of assessing maintenance and repair costs.
 - c. That an offer for dedication of the street shall be made only for the street as a whole.
 - d. That the owners of the abutting lots will include with any offer of dedication sufficient funds, as estimated by the Township, to restore the street to the prevailing standards.
 - 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.

Section 602.3 Street Names, Street Address, and Traffic Signs

- A. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets.
- B. Street names shall not be repeated within the Township and all street names shall be subject to the approval of the Township and Lancaster County-Wide Communications.
- C. Street name signs shall be provided and installed by the developer at all intersections and shall identify both intersecting streets, and their design shall be approved by the Township.

- D. Street Address plans shall be prepared by the developer and submitted for approval by the Township prior to the Township accepting dedication of any streets or prior to the final reduction in the project's financial guarantee.
- E. Regulatory signs shall be provided and installed by the developer at all locations identified by a traffic engineering study prepared by the developer and in accordance with PennDOT Publication 201, Engineering Traffic Studies, as amended.
- F. Traffic signs shall be approved by the Township and shall be supplied and installed by the developer in accordance with Township regulations; PennDOT Publication 212, Official Traffic Control Devices; and the Manual on Uniform Traffic Control Devices (MUTCD), FHWA, as amended.
- G. All traffic signs shall be installed by the developer prior to the sale of lots or occupancy of any units within the project.

Section 602.4 Guiderail

- A. Streets shall be designed to preclude or minimize the need for guide rail. The Township may, however, require guide rail to be placed for protection on embankments when a barrier is indicated as warranted in Design Manual Part 2 - Highway Design (Publication 13M) by PennDOT, August 2009 edition, as amended.
- B. The design and selection of guide rail shall generally be in accordance with the standards in Design Manual Part 2 - Highway Design (Publication 13M) by PennDOT, August 2009 edition, as amended, however the Township shall approve all guide rail systems.

Section 602.5 Reconstruction of Existing Streets

- A. Within any Urban or Village Growth Area, all existing streets at the perimeter and/or through the development shall be reconstructed according to Township or PennDOT specifications:
 - 1. If an existing street lies at the perimeter of the development, it shall be reconstructed to the centerline of the street; and,
 - 2. If an existing street lies through the development, it shall be reconstructed to the full width of the street as required by Township or PennDOT specifications and design standards.
- B. Where a temporary cul-de-sac is being extended, the bulb shall be removed and the street reconstructed to Township street specifications and any existing sidewalk shall be extended through the area, and the remaining areas shall be regraded and seeded.
- C. When the proposed development requires construction within an existing street right-of-way, such as sewer, water or storm water lines, the Township may require construction of a new wearing course along the entire frontage and/or disturbed area. The extent of the new wearing course shall be approved by the Township.
- D. The extension of existing streets which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.
- E. If a subdivision or land development abuts an existing Township and/or State street which has a right-of-way width of less than the required right-of-way width set forth in Section 602.7, the applicant shall dedicate to the Township or Commonwealth, as applicable, that amount of land

necessary so that the distance from the centerline of the street to the edge of the right-of-way abutting the proposed development is one-half the ultimate right-of-way as set forth in Section 602.7.

Section 602.6 Construction Standards

- A. All streets shall be constructed, and all existing streets shall be reconstructed in accordance with the applicable Township regulations and the following standards:

Street Classification	Paved Section	Base Section
Arterial and Collector Streets	1½" Wearing Course ⁽¹⁾ 3" Binder Course ⁽²⁾	4½" Base Course ⁽³⁾ 6" 2A or 3A CABC ⁽⁴⁾
Local Streets	1½" Wearing Course ⁽¹⁾ 3" Binder Course ⁽²⁾	8" 2A or 3A CABC ⁽⁴⁾
Alley	1½" Wearing Course ⁽¹⁾ 2½" Binder Course ⁽²⁾	6" 2A or 3A CABC ⁽⁴⁾

NOTES:

- (1) * Wearing: Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 to 0.3 million ESAL's, 9.5 mm mix, SRL L.
- (2) * Binder: Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 to 0.3 million ESAL's, 19.0 mm mix.
- (3) * Base: Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.0 to 0.3 million ESAL's, 25.0 mm mix.
- (4) * CABC – Crushed Aggregate Base Course.

* Material shall be equal or superior to the most recent version of PennDOT Publication 408, Highway Construction Specifications, as amended, and shall be applied in accordance with those same specifications.

- B. All crushed aggregate base course material shall be put in place by a powered spreader.
- C. For the construction of arterial streets or highways, the applicant shall consult the Township Engineer and be governed by the most recent version of PennDOT Publication 408, Highway Construction Specifications, as amended, for the method of construction to be used, and to submit pavement design calculations in accordance with the most recent version of PennDOT Publication 242 Pavement Policy Manual, as amended.

Section 602.7 Right-of-Way and Cartway Widths and Construction Standards

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

Street Classification	*Minimum Cartway Width	Minimum Right-of-Way Width
Arterial Road (Highway)	As determined after discussion with the Township, PennDOT, Lancaster County Planning Commission, however the minimum shall be as follows:	
	Forty (40) feet	Sixty (60) feet
Major Collector Road	Thirty-eight (38) feet	Fifty (50) feet
Minor Collector Road	Twenty-four (24) feet	Fifty (50) feet
Local Street	Twenty-four (24) feet	Fifty (50) feet
Local Access	Twenty-four (24) feet	Forty (40) feet
Cul-de-sac Bulb	Eighty (80) foot diameter	One hundred (100) foot diameter
Alley, no parking	Twelve (12) feet	Twenty (20) feet (easement)
* The minimum cartway width shall be increased by eight (8) feet for each lane of on-street parking proposed.		

Section 602.8 Horizontal Alignment

- A. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes.
- B. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.
- C. Plans with street locations along the perimeter of a property shall be required to show building setback lines and clear site triangles within the adjacent properties. Written permission from the effected adjacent landowner shall be provided prior to preliminary plan approval.
- D. There shall be a tangent of at least one hundred (100) feet between reverse curves for all local and collector streets.
- E. Horizontal curve centerline radii shall be designed in coordination with vertical geometry, subject to the approval of the Township Engineer. The minimum acceptable centerline radii shall be three hundred (300) feet for arterial and collector streets and one hundred fifty (150) feet for local residential streets

Section 602.9 Vertical Alignment

- A. Vertical curves shall be used in all changes of grade.
- B. The minimum vertical grade for all streets shall be one (1) percent; the maximum vertical grade shall be ten (10) percent.
- C. The minimum length of vertical curve for all streets shall be seventy-five (75) feet.

- D. At street intersections, the through street shall be approached by side streets in accordance with the following standards; where the grade of the side street exceeds four (4) percent, there shall be an area on the side street within which the grade shall not exceed four (4) percent for a minimum distance of one hundred (100) feet (measured from the intersection of the centerlines of the streets).
- E. No side street shall intersect a through street when the through street exceeds seven (7) percent in grade.
- F. Notwithstanding the above minimum length of vertical curve, the actual length of vertical curve shall be based on the formula $L = KA$; where "L" is the minimum length of curve in feet, "K" is the length of vertical curve per percent change in "A", and "A" is the algebraic difference in grade (in percent). Values for "K" shall be based on the following criteria:

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

Section 602.10 Intersections

- A. Intersections involving the junction of more than two (2) streets are prohibited.
- B. Right angle intersections shall be used.
- C. All streets intersecting a state highway shall be subject to the approval of PennDOT.
- D. A one hundred (100) foot clear sight triangle shall be provided and maintained at all intersections.
 - 1. Clear sight triangles shall be indicated on all plans.
 - 2. No building, structure, landscaping, crops or other obstruction that would obscure the vision of a motorist shall be permitted within these areas.
- E. The distance between the centerline of streets intersecting with through streets shall be determined by the classification of the through street being intersected. The minimum separation distance shall be measured along the centerline of the through street being intersected and shall conform to the following:

Through Street Classification	Minimum Intersection Separation Distance
Arterial	800 feet
Major Collector	500 feet
Minor Collector & Local Access	200 feet

F.

F. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius as follows:

1. Arterial streets – fifty-five (55) feet.
2. Major Collector streets - fifty (50) feet.
3. Minor Collector, Local Access, Local streets or alleys – thirty-five (35) feet
4. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway.
5. The Township may require larger radii based on the largest design vehicle using the intersection.

G. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections.

1. The required and available minimum safe stopping sight distance shall be included on the plans for all existing and proposed intersections.
2. Street intersections shall be located at a point that provides optimal sight distance in both directions.
3. Sight distance at street intersections shall provide the following minimum stopping distance for a vehicle traveling on an approaching street which has no stop or signal control:
 - a. Calculation of required Minimum Safe Stopping Sight Distance.
 - 1) For each intersection, the available minimum safe stopping sight distance in each direction shall equal or exceed the required minimum safe stopping sight distance computed from the following formula:

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

WHERE:

SSSD = Minimum safe stopping sight distance (feet).

V = Velocity of vehicle (miles per hour).

t = Perception time of driver (2.5 seconds).

f = Wet friction of pavement (0.30).

G = percent grade of roadway divided by 100.

- 2) If the eighty-fifth (85th) percentile speed varies by more than ten (10) miles per hour from the speed limit, the Township may require the eighty-fifth (85th) percentile speed to be used to determine stopping distance.
- 3) A minimum safe stopping sight distance table that specifies the required minimum safe stopping sight distance for selected speeds is provided in the Appendix. The sight distances in the table apply for roadway grades in whole numbers from +10% to -10% along with speeds from five (5) to sixty-five (65) miles per hour in increments of five (5) miles per hour. The designer may use this table in lieu of the above formula.

b. Measurement of Sight Distance.

- 1) The correct measurement of available sight distance at each proposed street intersection shall be the responsibility of the applicant.
- 2) For the purpose of measuring available sight distance, the height of the driver's eyes shall be 3.5 feet above the road surface, and the height of the object shall be 3.5 feet above the road surface. The lateral placement of vehicles on the roadway and at the proposed access point shall be consistent with the operation of the access and roadway.
- 3) For each direction, the shortest of the following measurements shall be considered the available sight distance for that direction:
 - a) The maximum length of roadway along which a driver at the proposed street intersection can continuously see another vehicle approaching on the roadway. The driver's eyes at the proposed point of access shall be ten (10) feet back from the near edge of the closest travel lane in the center of the intersection land.
 - b) The maximum length of roadway along which a driver on the roadway can continuously see a vehicle which is located in his travel lane on the roadway in order to make a left turn into the proposed access or as a result of a left or right turn out of the proposed access.
 - c) The maximum length of roadway along which the driver of a vehicle intending to make a left turn into the proposed access can continuously see vehicles approaching from the other direction. This is measured from the point where the left turning vehicle stops.

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

- 1) Prohibit left turns by entering or exiting vehicles;
- 2) Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the applicant;
- 3) Require removal of physical obstruction from the line of sight, at the expense of the applicant;

- 4) Require installation of a separate left turn standby lane; or,
- 5) Deny access to the roadway.

Section 602.11 Curbing

- A. Within any Urban or Village Growth Area, curbs shall be required along all proposed streets in subdivisions; along all proposed streets, access drives, and all interior landscaping and traffic control islands within parking compounds in land developments; and along all existing streets in and abutting both subdivisions and land developments. The developer shall submit the location and grade of all curbs to the Township for consideration.
- B. Curbs shall be constructed and installed in accordance with the specifications in this Ordinance or any other Ordinance enacted by the Board of Supervisors setting requirements for the construction of roads, curbs and sidewalks or, in lieu of such standards, in accordance with the standards of PennDOT Publication 408/90, as amended.
- C. Standard vertical curb shall be required along all state highways and along all Township streets that the Township has classified as an arterial or collector street, and where vertical curbs exist. Standard slant curb shall be permitted along all other streets.

Section 602.12 Sidewalks

- A. Within any Urban or Village Growth Area, the Township shall require the installation of sidewalks in any subdivision and land development as provided herein.
 1. Sidewalks are required to provide access to and/or within a commercial, industrial or community facility.
 2. Sidewalks that are provided as part of such non-residential facilities shall be designed and constructed to service the projected pedestrian needs.
 3. All public areas shall be designed barrier free in accordance with applicable federal and state standards, including but not limited to, the Americans with Disabilities Act.
 4. Appropriate details shall be provided on the plans.
- B. Sidewalks shall be installed on both sides of all streets in subdivisions and land developments as herein specified.
- C. Sidewalks shall be located, if possible, within the street right-of-way line, and shall be a minimum of five (5) feet in width.
- D. Pedestrian easements shall be provided when the sidewalk is not located entirely within the street right-of-way.
- E. Sidewalks shall be constructed of Class A cement concrete four (4) inches thick, containing steel mesh of six by six by fourteen (6 x 6 x 14) inch gauge, upon a properly prepared subgrade as follows:
 1. Four (4) inches of AASHTO #57 crushed stone shall be properly compacted using a mechanical tamper.

2. Upon the crushed stone, the sidewalks shall be constructed by pouring concrete in separate slabs a maximum of thirty (30) feet in length.
 3. The slabs shall be completely separated by one-quarter ($\frac{1}{4}$) inch expansion joint every twenty (20) feet and scored every five (5) feet.
 4. Sidewalk is to be light broom finished in direction of sidewalk width.
 5. All sidewalks shall have a two (2) percent cross slope.
- F. A minimum two (2) foot wide grass planting strip shall be provided between the back of curb and sidewalk.
- G. All utility services and mains shall be extended to the building side of the sidewalk.
- H. All curb ramps shall be constructed in accordance with PennDOT Publication 72, Road Construction Standards, as amended.

Section 602.13 Street Lighting

- A. Any subdivision or land development plan that proposes new streets within any Urban or Village Growth Area shall provide street lighting in accordance with the following:
1. Lighting shall be provided at a minimum average of one-half ($\frac{1}{2}$) foot candles at an elevation of three (3) feet above the surface.
 2. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises.
 3. Poles for mounting lights shall not exceed twenty-five (25) feet in height.
 4. All lighting plans shall be delineated on the plan and shall include photometrics.
 5. Appropriate footer and mounting details shall be included on the plans.
 6. Light fixture and pole styles shall be approved by the Township.

Section 602.14 Cul-de-Sac and Dead-End Streets

- A. A cul-de-sac shall not be permitted when a through street is feasible.
1. The feasibility of a through street will be based on the following:
 - a. Physical features of the tract proposed for development;
 - b. The potential for extension of the street to adjoining lands;
 - c. Restrictions imposed by other government regulations; and,
 - d. The ability of the design to meet all other requirements of this Ordinance.

2. When cul-de-sac streets are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through street would not be feasible.
 3. Approval of cul-de-sac streets shall be at the sole discretion of the Township.
- B. Where any adjacent stub street is not proposed for extension as a through street, the developer shall construct a cul-de-sac in compliance with Township standards.
- C. Permanent cul-de-sac streets shall be designed as follows:
1. Minimum length - two hundred fifty (250) feet;
 2. Maximum length - six hundred (600) feet;
 3. 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;
 4. 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 or edge of paving and of one hundred (100) feet to the street right-of-way;
 5. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width; and,
 6. Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, water shall be conveyed away in an underground storm sewer or by other means approved by the Township. The minimum grade on cul-de-sacs shall be designed to ensure a minimum of one (1) percent along the curb line to the designed low points. The maximum grade on cul-de-sacs shall not exceed four (4) percent.
- D. Temporary cul-de-sac streets shall be designed as follows:
1. Minimum length - two hundred fifty (250) feet;
 2. Maximum Length - eight hundred (800) feet in length;
 3. Temporary cul-de-sacs shall be designed to the same cartway width and drainage criteria as required for permanent cul-de-sacs; and,
 4. Temporary easements shall be provided for the effected adjoining properties until such time that the street is extended.
- E. Dead-end streets:
1. Dead-end streets are prohibited unless designed as cul-de-sac streets.
 2. The Township may waive the requirements of providing a turn-around for streets which are planned for future extension into adjoining tracts subject to the following requirements:

- a. The street will be no longer than the depth of one (1) lot; and,
 - b. The street will not be the primary means of access to any lot or dwelling unit.
- F. Any street temporarily dead-ended in order to provide for future continuation of the street into adjoining property or for authorized stage development shall be fully constructed and all utilities installed.
- G. A barricade to prevent vehicular access to adjoining property shall be constructed at the termination point of the street. The barricade shall be designed and constructed in accordance with PennDOT Publication 72M, Roadway Construction Standards, RC-63, as amended.

Section 602.15 Alleys

- A. Alleys shall have the following characteristics:
- 1. A property that utilizes an alley shall maintain frontage along a public or private street.
 - 2. No part of any structure, fences, screening, walls, and evergreens shall be located within eight (8) feet of the edge of the cartway of an alley.
 - 3. The cartway of all alleys shall be constructed in accordance with the local street specifications of this Ordinance.
 - 4. The vertical and horizontal alignments of alleys shall be in accordance with the local street specifications of this Ordinance.
 - 5. Alleys and their intersections shall be in accordance with the local street specifications of this Ordinance.
 - 6. Alley name signs, regulatory and traffic control signs shall be in accordance with the street name and traffic sign specifications of this Ordinance
 - 7. Alleys which form a cul-de-sac shall be designed as follows:
 - a. The alley shall not exceed four hundred (400) feet in length, measured from the centerline intersection of a street that is not a cul-de-sac; and,
 - b. Alley cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turn-around designed in accordance with one of the following methods:
 - 1) The turn-around for residential purposes shall be designed in accordance with one of the following methods:
 - a) An eighty (80) foot paved diameter.
 - b) T-shaped turn-around with a twelve (12) foot width and the flared portions rounded by minimum radii of twenty (20) feet as shown on the detail in the Appendix.
 - 2) The turn-around for commercial and industrial uses shall be a cul-de-sac designed to accommodate a WB-50 truck turning movements.

- A. Alleys offered for dedication will not be accepted by the Township.
 - B. Applicants proposing alleys within a development may request that the Township reduce the width requirements of the local streets proposed within the development. The request shall be in the form of a modification request and shall be accompanied by adequate justification.
- B. Applications that propose an alley shall include an agreement, in a form acceptable to the Township, which shall be recorded with the Recorder of Deeds as part of the final plan. This agreement shall establish the conditions under which the alley will be constructed and maintained and shall stipulate:
- 1. That the alley shall be constructed and maintained to conform to the provisions of this Ordinance; and,
 - 2. The method of assessing maintenance and repair costs.
 - a. If the use of an alley is limited to the common use of two (2) properties, the applicant shall provide for the maintenance of such alley;
 - b. If the use of an alley is for more than two (2) properties, the applicant shall provide for private maintenance through the formation of a homeowners' association or through the setting forth of the maintenance responsibilities in easements and in the deeds to the lots which have the right to use the alley. If a homeowners' association is formed, a document setting forth the maintenance responsibilities of such association and the right of such association to assess lots within the development shall be recorded at the same time as the final plan is recorded. All such documents shall be in a form acceptable to the Township Solicitor; and,
 - c. All persons who shall purchase a lot abutting or having the right to use an alley shall be given a copy of the final plan, and, if a homeowners' association has been formed, shall be given a copy of all such documents relating to the maintenance responsibilities of such homeowners' association.
- C. The final plan, for recordation with the Recorder of Deeds, shall include a plan note which identifies the following:
- 1. The specific alleys;
 - 2. The recorded maintenance agreement; and,
 - 3. Notification that the alleys do not qualify for dedication to the Township and that the Township will not assume any responsibility for their maintenance.

Section 603 Access Drives

Section 603.1 General Standards

- A. The cartway of all access drives shall be constructed in accordance with the collector street specifications of this Ordinance.
- B. Access drives do not require a specific right-of-way; however, the following standards for cartway width shall apply:

Number of Lanes	Cartway Width
Three (3) lanes	Thirty-six (36) feet
Two (2) lanes	Twenty-four (24) feet
One (1) lane	Twelve (12) feet

- C. Parallel parking may be permitted along one side of access drives provided the required width is increased by eight (8) feet.
- D. The same vertical and horizontal alignment standards shall be required for access drives that are required for local streets in this Ordinance.
- E. The same intersection standards shall be required for access drives that are required for local streets in this Ordinance.
- F. Access drives shall be located a minimum of fifteen (15) feet from side or rear property lines.
- G. Access drives shall be provided with an unobstructed landscaped (setback) that is parallel to, and along the entire length of the access drive.
 - 1. The width of the green area shall be measured from the face of curb and be a minimum of fifteen (15) feet in width.
 - 2. The green area may be utilized for storm water management facilities, utilities, lighting, landscaping and other compatible uses. In no case shall any building or structure be located within the required green area.
- H. Access drives which terminate in a cul-de-sac shall not exceed one thousand six hundred (1,600) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac to the center of the turnaround area. All cul-de-sacs shall be constructed in accordance with Section 602.14.

Section 603.2 Access Drive Lighting

Any subdivision or land development plan that proposes an access drive within any Urban or Village Growth Area shall provide access drive (street) lighting in accordance with Section 602.13.

Section 603.3 Emergency Access Requirements

All subdivisions or land developments containing fifty (50) or more dwelling units, or non-residential buildings or buildings containing twenty-five thousand (25,000) or greater square feet of gross floor area shall be provided with at least two (2) separate and distinct means of access to the subdivision or land development.

- A. Access may be provided through the location of two (2) or more public or private streets, each of which intersects with an existing public street. Such public or private streets shall meet all the requirements of this Ordinance concerning design and construction.

- B. Access for a land development may be provided through two (2) or more driveways into the land development. Such driveways shall be separated by a distance of at least one hundred fifty (150) feet and shall comply with all requirements of this Ordinance.
- C. If the applicant is unable to provide access to the subdivision or land development through two (2) or more public or private streets each of which intersect with an existing public street or two (2) or more access drives which intersect with one (1) or more existing public streets an emergency access shall be provided.
 - 1. The emergency access shall be improved so that emergency vehicles may safely transverse it and shall be indicated on the plans.
 - 2. The emergency access shall be acceptable to the providers of emergency services within the Township. Applicants proposing to provide emergency access shall submit evidence of such approval.
 - 3. The emergency access may be located so that access to the subdivision or land development is gained from a public street at a location unsuitable for regular access with an existing public street.
 - 4. The emergency access may be located so that access is gained from an adjacent tract. For example, a subdivision or land development adjoining a parking lot of another use may provide emergency access through a point with a break chain. Applicants with plans indicating emergency access through an adjoining private tract shall provide an emergency access agreement, in a recordable form acceptable to the Township, as evidence that the adjoining property owner has consented to such emergency access location.

Section 604 Driveways

- A. Driveways shall be located as to provide minimum safe stopping sight distance at intersections with streets and shall not be located within any required clear sight triangle in accordance with Section 602.10.
- B. Residential driveways shall be designed and located in accordance with the requirements of the Township Zoning Ordinance.
- C. Unless specifically prohibited by the design criteria within the Zoning Ordinance, vehicles shall not exit driveways by backing onto a street.
- D. All driveways, unless specifically prohibited by the design criteria within the Zoning Ordinance, shall include an off-street turn-around area as shown in the Appendix.
- E. Driveways shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance and drainage of the street.
- F. Driveway locations shall be delineated on all plans.
- G. Driveway grade breaks shall be no more than those shown in Appendix.

Section 605 Vehicular Parking Facilities

- A. Off-street vehicular parking facilities shall be provided in accordance with the Zoning Ordinance.
- B. Parking compound dimensions shall be no less than those shown in Appendix.
- C. Landscaping and screening shall be provided in accordance with the Township Zoning Ordinance.
- D. No portion of a parking compound will be permitted within ten (10) feet of side or rear property lines or street right-of-ways.
- E. Not less than five (5) foot radius of curvature shall be permitted for horizontal curves in parking areas.
- F. All dead-end parking lots shall be designed to provide sufficient back-up area for all end stalls.
- G. Painted lines, arrows and dividers shall be provided and maintained to control parking when necessary to direct vehicular circulation.
- H. Parking areas, main entrances and exits which are open to the public shall be lighted to the following standards:
 - 1. Lighting shall be provided at a minimum average of two (2) foot candles at an elevation of three (3) feet above the surface.
 - 2. All lighting shall be so arranged as to reflect the light downward and away from adjoining premises and public rights-of-way.
 - 3. Poles for mounting lights shall not exceed twenty-five (25) feet in height.
 - 4. All lighting plans shall be delineated on the plan and shall include photometrics.
 - 5. Appropriate footer and mounting details shall be included on the plans.
- I. All parking compounds for cars shall be paved to meet the following minimum standards:
 - 1. The paved section shall consist of a one and one-half (1½) inch depth of wearing course ⁽¹⁾ and three (3) inch depth of binder course ⁽²⁾.
 - 2. The base section shall consist of a six (6) inch depth of 2A or 3A CABC ⁽³⁾.

NOTES:

- (1) * Wearing: Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 9.5 mm mix.
- (2) * Binder: Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 19.0 mm mix.
- (3) * CABC – Crushed Aggregate Base Course.

* Material shall be equal or superior to the most recent version of PennDOT Publication 408, Highway Construction Specifications, as amended, and shall be applied in accordance with those same specifications.

- J. All parking compounds for trucks shall be paved to meet the following minimum standards:
1. The paved section shall consist of a two (2) inch depth of wearing course ⁽¹⁾ and four (4) inch depth of binder course ⁽²⁾.
 2. The base section shall consist of an eight (8) inch depth of 2A or 3A CABC ⁽³⁾.

NOTES:

- (1) * Wearing: Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 9.5 mm mix.
- (2) * Binder: Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 19.0 mm mix.
- (3) * CABC – Crushed Aggregate Base Course.

* Material shall be equal or superior to the most recent version of PennDOT Publication 408, Highway Construction Specifications, as amended, and shall be applied in accordance with those same specifications.

Section 606 Blocks

- A. The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, the existing man-made features, and the proposed type of structure.
- B. Lot configurations should provide for flexibility in building locations while providing safe vehicular and pedestrian circulation.
- C. Lots with areas that are two (2) or more times the minimum requirements shall, wherever feasible, be designed with configurations that allow for additional subdivision.
- D. Block length in a residential subdivision shall not exceed one thousand five hundred (1,500) feet.
- E. Blocks in non-residential areas may vary from the above requirement for residential blocks when required by the nature of the use. Adequate provisions shall be made for off-street parking, loading areas and traffic circulation.

Section 607 Lot and Parcel Configuration

Section 607.1 General Design Standards

- A. Lot and parcel size configuration, and/or intensity shall conform to the requirements of the Township Zoning Ordinance.
- B. Whenever practical, side lot lines shall be radial to street lines.
- C. In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.
- D. All lots shall front on an approved public or private street. All lots, except flag lots, shall maintain a minimum lot width as required by the Township Zoning Ordinance.

- E. Double frontage lots are prohibited except where provided as reverse frontage lots.
1. Reverse frontage lots are only permitted when a reduction of driveway intersections along a street with a high volume of vehicular movements is desired.
 2. All reverse frontage lots shall include an identification of the frontage for use as a road access.
 3. All reverse frontage lots shall have a rear yard in accordance with the Township Zoning Ordinance, measured at the shortest distance from the proposed dwelling unit to the street right-of-way.
 4. Reverse frontage lots shall, within each rear yard and immediately adjacent to the street right-of-way, have a planted buffer at least ten (10) feet in width, across which there shall be no vehicular access.
 - a. Buffer areas shall include a suitable and uninterrupted evergreen planting of a minimum height of thirty-six (36) inches designed to reach sufficient height and density to give maximum screening.
 - b. Such screening shall be permanently maintained and replaced where necessary to present an attractive appearance.
 5. Reverse frontage lots shall be approved at the sole discretion of the Township.
- F. All remnants of land (areas remaining after subdivision) shall conform to the lot area and configuration requirements.
- G. Metallic markers shall be set at all points where existing or proposed lot lines intersect with any street right-of-way line, curves, other property lines and any other right-of-way or easement.
1. Metallic markers shall consist of solid steel bars at least thirty (30) inches long and not less than one-half (1/2) inch in diameter. Alternative monumentation methods will be at the discretion of the Township Engineer.
 2. All existing and proposed markers shall be delineated on the final plan.
 3. All markers shall be placed by a registered engineer or surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being marked.

Section 607.2 Flag Lots

- A. Flag lot shall conform to the requirements of the Township Zoning Ordinance.
- B. Flag lots shall not be created when lots can be designed that directly access a public or private street. The Board at its sole discretion may approve the plotting of a limited number of flag lots when:
1. The "flagpole" or access portion of the flag lot shall maintain a minimum width of twenty-five (25) feet and shall not change direction more than once; and,
 2. The Board may attach any reasonable conditions to the creation of flag lots as it finds necessary or desirable to provide for the orderly development of land and street systems.

Section 607.3 Specific Building Setback Requirements

- A. On any lot abutting a railroad or railroad right-of-way, no dwelling shall be placed within twenty-five (25) feet of any portion of the railroad right-of-way.
- B. On any lot abutting or traversed by a high voltage transmission line, no dwelling shall be placed within twenty-five (25) feet of any portion of the right-of-way.

Section 608 Easements

Section 608.1 General Standards - Sewer, Water, Electric, Cable, Telephone, Gas and Others

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

- A. To the fullest extent possible, easements shall be adjacent to property lines.
- B. Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
 - 1. This requirement shall be noted on the final plan.
 - 2. This requirement shall be included in all deeds for lots that contain an easement.
- C. Pedestrian easements shall have a minimum width of six (6) feet.
- D. Utility easements shall have a minimum width of thirty (30) feet, and all utility companies are encouraged to use common easements.

Section 608.2 Storm Water Easements

Where a subdivision or land development is adjacent to or traversed by a water course, drainageway, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainageway, channel, or stream of such width as will be adequate to preserve the unimpeded flow from a one hundred (100) year design rainfall.

Section 608.3 Petroleum, Electrical, and Communication Transmission Lines

- A. Where any petroleum product, electrical, or communication transmission line traverses a subdivision or land development, the applicant shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each structure and the centerline of such petroleum or petroleum product transmission line.
- B. The Township will require, with the final plan application, a letter from the owner of the transmission line stating any conditions on the use of the tract which shall contain the above.

Section 608.4 Multi-family Units

- A. When a subdivision proposes multi-family attached dwellings, such as townhouses, the plans shall include access easements to allow all lots owners access to front and rear yards as for maintenance and non-licensed vehicles as follows:
1. Along the front and rear property lines of all units;
 2. The side property lines of the end units;
 3. The access easement shall have a minimum width of six (6) feet; and,
 4. This requirement shall be noted on the final plan and shall be included in all deeds for lots that contain the easement.

Section 609 Landscaping and Miscellaneous Site Requirements

Section 609.1 Commercial and Industrial Landscaping

- A. A completely planted visual barrier or vegetative screen, designed to reach a density acceptable to the Board within five (5) years, shall be provided between any commercial or industrial use and any contiguous properties which are residentially zoned or which are used for residential purposes.
1. The width of the area containing the vegetative screen shall be a minimum of ten (10) feet.
 2. This vegetative screen shall be comprised of plants and trees arranged to form both a low level and a high level screen in accordance with the Landscaping Requirements of the Township Zoning Ordinance.
 3. The Board may waive the screening requirements where, in the sole opinion of the Township, the applicant has demonstrated that an adequate natural or man-made physical barrier exists that would provide similar or better results.
- B. Any portion of the commercial or industrial tract which is not used for buildings, structures, parking, etc. shall be planted or landscaped in accordance with an overall plan to be approved by the Board and the Township Engineer.
- C. The perimeter of all commercial and industrial mechanical equipment that is not enclosed shall be screened.

Section 609.2 Residential Landscaping

- A. A landscape barrier designed in accordance with the requirements of Section 609.1.A shall be provided between residential projects that propose a density that is different from existing adjoining residential uses.
- B. Any portion of any residential tract which is not used for buildings, structures, parking, etc. shall be planted or landscaped in accordance with an overall plan to be approved by the Board and the Township Engineer.

Section 609.3 Fencing

The Township may permit the use of fencing, in lieu of screen plantings under the following conditions:

- A. The fencing material shall be approved by the Township.
- B. The fencing shall be installed along the tract boundary within a ten (10) foot easement located on the developed property and shall be permanently maintained by the property owner.
- C. Notation indicating maintenance responsibilities shall be placed on the final plan and included in all deeds for lots that contain the easement.

Section 609.4 Existing Woodlands

- A. Existing woodlands shall be protected to prevent unnecessary destruction.
- B. In existing wooded areas at least fifty (50%) percent of the number of existing trees of a minimum trunk caliber of five (5) inches, measured three (3) feet above the ground shall be retained.
 - 1. If less than seventy-five (75%) percent of the existing trees are retained, replacement trees shall be planted in sufficient numbers such that the number of trees (retained or replacement) totals seventy-five (75%) percent of the number of existing trees.
 - 2. Replacement trees shall be a minimum trunk caliber of two (2) inches measured at a height of three (3) feet above finished grade and shall be planted within six (6) months following completion of project.
 - a. Replacement trees should be of the species, or selected subset of the species, of the trees removed from the site, if the trees removed from the site are native to the area.
 - b. If the trees removed from the site are not native to the area, then replacement trees shall be selected from any tree species native to the area and consistent with the intent of this section of this Ordinance.
 - 3. No clear-cutting shall be done within fifty (50) feet of a wetland or stream or watercourse.

Section 609.5 Street Trees

Within any Urban or Village growth area, street trees shall be required by the Township in accordance with the following standards:

- A. The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees shall be subject to the approval of the Township.
- B. All trees shall have a normal habit of growth and shall be sound, healthy and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
- C. The caliper of the trunk, measured at a height of six (6) inches above finished grade, shall be a minimum of two (2) inches.

- D. Trees shall be planted between the street right-of-way line and the building setback line except where the Township has authorized placement of trees within the street right-of-way. The tree growth shall not interfere with the street cartway, sidewalk or utility line.
- E. All planting shall be performed in conformance with good nursery and landscape practice including proper guying and staking.
- F. Requirements for the measurements, branching, grading, quality, balling, and burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ6O, 1-1973, as amended.
- G. One (1) street tree shall be provided for each building containing two (2) or less dwelling units and two (2) trees for buildings containing three (3) or more dwelling units.
- H. A minimum of one (1) street tree shall be provided for each residential lot, and spaced not less than forty (40) feet nor more than sixty (60) feet apart along the entire length of each existing or proposed street. In commercial and industrial zoning districts, street trees shall be provided with each land development plan and spaced not less than forty (40) feet nor more than sixty (60) feet apart along each street frontage.
- I. Street trees shall be selected from the following species:

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

Section 609.6 Landscaping Maintenance

Street tree and landscaping maintenance requirements, as listed in Appendix, shall be noted on the plan, unless an acceptable maintenance agreement is provided.

Section 609.7 Refuse Collection Stations

- A. Outdoor refuse collection stations shall be provided for garbage and trash removal when individual collection is not made and indoor storage is not provided.

- B. Refuse collection stations shall be located within a side or rear yard and screened from adjoining roads and properties.
- C. Refuse collection stations shall be completely enclosed within a masonry or fenced enclosure constructed as to prevent the escape of refuse by wind, water or other natural elements and prevent animals, rodents, etc. from entering.
- D. Refuse collection stations shall be located so as to be separated adequately from habitable buildings to avoid being offensive, but at the same time be convenient for both collectors and residents and shall be screened and landscaped adequately.

Section 610 Storm Water Management and Floodplain Controls

- A. All storm water management, collection, conveyance, and erosion control shall be accomplished in accordance with the Paradise Township Storm Water Management Ordinance, as amended.

Section 610.1 Floodplains

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

Section 611 Public Dedication of Park and Recreation Land

In accordance with the recommendations of the Parks and Recreation Planning of the February 18, 1992 Official Update of the Paradise Township Comprehensive Plan, all residential subdivisions and land developments shall be provided with park and recreation land that shall be dedicated to the Township. The developer may request that the Township not require the dedication of land, and any such request shall be accompanied by an offer to pay a fee in lieu of dedication of the land, computed in accordance with the regulations provided herein, an offer to construct recreational facilities and /or an offer to privately reserve land for park or recreation purposes.

- A. The land reserved for park, recreation and open space usage shall be a single lot which shall comply with the requirements of this ordinance relating to length to depth ratios and which shall be accessible to the public. No more than fifteen (15) percent of the lot shall consist of floodplain, wetlands or other features that shall render the lot undevelopable. No storm water management facilities designed to retain or detain water from other portions of the development shall be permitted on such land reserved for park, recreation and open space usage.
 1. In the event that the tract contains natural features which are worthy of preservation, the developer may request that the Board permit the provision of recreational land configured in such a manner as to best preserve natural features.

2. The park, recreation and open space land shall be accessible to utilities such as sewer, water and power that are provided with the subdivision, and if so requested by the municipality that will accept dedication of the land, the developer shall extend such utilities to the park, recreation and open space land.
 3. If the adjoining property has previously been developed and recreational land has been provided at the boundary of that previously developed property, the Board shall require that the recreational land required of the development shall be located adjoining the previously provided recreational land.
- B. A minimum of three one-hundredths (0.03) acres of land shall be reserved as park or recreational land for each residential lot created in a subdivision or each dwelling unit created in a land development. Notwithstanding the foregoing, in all cases the minimum area of land reserved as park and recreation land shall be equal to the minimum lot size in the district in which the subdivision or land development is located.
- C. The developer may request that the Board permit the provision of park and recreation land other than through public dedication of land as set forth above. The developer shall set forth, in writing, the means by which he will fulfill this requirement which may include the payment of a fee in lieu of dedication of all or a portion of the amount of land required to be dedicated, construction of recreational facilities, the private reservation of land, or any combination of dedication, fees, construction of recreational facilities, or private reservation.
1. If a fee in lieu of dedication is proposed by the developer, said fee shall be the fair market value of the land required to be dedicated under Subsection (B) above.
 2. This fee shall generally be \$1,000.00 per unit or lot, unless an appraisal prepared by the developer, and determined to be acceptable at the sole discretion of the Township, indicates that a different fee is more appropriate.
 - a. The developer shall provide the Board with all information necessary to determine that fair market value of the land, including but not limited to:
 - 1) A copy of the agreement of sale if the developer is an equitable owner and has purchased the land within the past two (2) years, or,
 - 2) An appraisal of the property conducted by an MAI appraiser acceptable to the Township.
 - b. Fair market value shall be computed by dividing the total price for the tract by the number of acres within the tract and then multiplying that number by the amount of land required to be dedicated.
 3. Payment of all such fees shall be a condition of final plan approval, and no plans shall be signed by the Board until such fees are paid.
 4. All fees shall be held and used by the Township in accordance with the requirements of Article V of the Municipalities Planning Code.
 5. If the developer proposes to construct recreational facilities, the developer shall present a sketch plan of such facilities and an estimate of the cost of construction.
 6. If the developer proposes the private reservation of land, the developer shall provide for the maintenance of such land through either the inclusion of such land as common elements of a

condominium or the creation of a home owners' association which shall meet the requirements for a unit owners' association contained in the Pennsylvania Uniform Condominium Act, 68 Pa. C.S. §3101 et seq.

- a. Such documentation shall be recorded, shall provide that the land cannot be further developed and shall give the Township the rights to maintain the land as set forth in Article VII of the Municipalities Planning Code dealing with the maintenance of common open space in planned residential developments.
 - b. Notwithstanding the foregoing, the developer may request that the Board approve transfer of the land to an organization dedicated to the conservation of natural resources with deed restrictions preventing further development acceptable to the Township Solicitor.
- D. The developer shall enter into an agreement with the Township setting the fees to be paid, the facilities to be constructed, or the land to be privately reserved and the method of its maintenance. All such agreements shall be in a form satisfactory to the Township Solicitor.

ARTICLE VII

MOBILE HOME PARKS

Section 701 General

Mobile home park plans shall be processed in accordance with Article III of this Ordinance. The design of mobile home parks shall comply with applicable design standards of this Ordinance and the Township Zoning Ordinance.

Section 702 Lot Size and/or Density

Lot size and density shall comply with the Township Zoning Ordinance.

Section 703 Water Supply

- A. **Source** Where feasible, all mobile home parks shall be connected to the public or a community water system. Feasibility shall be established in accordance with Section 408 of this Ordinance. Additionally, all water supply systems shall be provided in accordance with Section 408.1.E of this Ordinance.
- B. **Connection** All mobile homes and service buildings shall be connected to a public or a community water supply system. Individual water riser pipes having an inside diameter of not less than three-fourth ($\frac{3}{4}$) inches shall be provided for each mobile home stand and shall terminate no less than four (4) inches above the ground.
- C. **Protection of Water Lines** Adequate provisions shall be made to protect water service lines from damage including a shut-off valve installed below the frost line at the curb line for each mobile home space.
- D. **Fire Hydrants** Fire hydrants or yard hydrants shall be installed in accordance with the provisions of the Middle Department Association of Fire Underwriters and the Authority regulations, when applicable.

Section 704 Sewage Disposal

- A. **Approved System** All mobile home parks shall conform to Section 408.2.D of this Ordinance with respect to establishing an acceptable sanitary sewage disposal facility.
- B. **Connection** Where feasible, all mobile homes and service buildings shall be connected to a public or community sewer system. Feasibility shall be established in accordance with Section 408 of this Ordinance. Individual riser pipes having a minimum inside diameter of four (4) inches shall be located on each mobile home lot and shall extend four (4) inches above ground level. The sewer riser pipe shall be sealed with a securely fastened plug when the site is unoccupied. Positive surface drainage away from the plug shall be provided to ensure no infiltration of surface water will occur. All sewer lines shall be constructed with materials and by methods approved by the Sewer Authority and DEP.

- C. **Protection** Adequate provision shall be made to protect sanitary sewers from storm water infiltration and damage.

Section 705 Storm Drainage, Erosion and Sedimentation, and Floodplain Controls

All mobile home parks shall conform to the storm water requirements of the Paradise Township Storm Water Management Ordinance.

Section 706 Interior Streets and Access Drives

- A. Private streets shall be provided in the park as the principal traffic way, and each mobile home lot shall abut and have access to such a street.
- B. All streets and access drives shall be designed and constructed in accordance with the requirements of Article VI of this Ordinance.

Section 707 Vehicular Parking Facilities

Off-street parking spaces shall be provided in all mobile home parks in accordance with the Township Zoning Ordinance, as amended, and Section 605 of this Ordinance.

Section 708 Sidewalks and Curbs

- A. **Location** All mobile home parks shall have sidewalks and curbs along parking compounds and private streets, and from mobile home units to service buildings.
- B. **Construction** Curbs and sidewalks required by Section 708.A shall comply with the requirements of Section 602 of this Ordinance.

Section 709 Lighting

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

Section 710 Landscaping

Landscaping shall be provided in accordance with the Township Zoning Ordinance, as amended.

Section 711 Building Setbacks and Separations

Mobile homes shall conform to the building setback and separation requirements of the Township Zoning Ordinance.

Section 712 Solid Waste Disposal

- A. Solid waste disposal shall be the responsibility of the mobile home park operator and shall be performed in accordance with the requirements of DEP.
- B. All solid waste shall be stored in dumpsters located throughout the facility, but in no case more than three hundred (300) feet from any unit served.

Section 713 Travel Trailer Parks (Campgrounds)

- A. Travel trailer park plans shall be processed as final plans in accordance with Article III.
- B. Travel trailer parks shall be subject to the design in accordance with the Township Zoning Ordinance.

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ARTICLE VIII

ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 801 Fees

A. Fee Resolution

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

B. Engineering Fees

Engineering fees required to be paid in accordance with this Ordinance shall be paid to the Township by the applicant for the below listed services:

1. Reviewing all information submitted in conformance with provisions of this Ordinance. This includes all originally submitted and revised plans, reports and specification.
2. Inspecting the layout of the site for conformance to the submitted survey, plan and specifications.
3. Reviewing planning modules for land development.
4. Reviewing cost estimates of required improvements as submitted by the developer.
5. Inspecting required improvements during construction.
6. Final inspections of completion of installation of the required improvements.
7. Such other technical services as deemed necessary or required by the Township.

Section 802 Modifications

- A. The provisions of these regulations are intended as a minimum standard for the protection of the public health, safety and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant to the satisfaction of the Board present at a public meeting to be unreasonable and to cause undue hardship as it applies to the particular property, the Board may grant a modification from such mandatory provision so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

B. Application Requirements

1. All requests for modifications shall be made in accordance with the provisions of Section 310 of this Ordinance.
2. Should a revision to a submitted plan require a modification which was not apparent at the time of the initial plan submission, the request for a modification shall be submitted in accordance with Section 310 of this Ordinance.

C. Action On Modification Requests

1. At a public meeting, and after review and recommendation by the Township Planning Commission, the Board shall review the request to determine if the literal compliance with any mandatory provision of this Ordinance is demonstrated by the applicant to exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.
2. The applicant shall demonstrate that an alternative proposal will allow for equal or better results and represents the minimum modification necessary. If the Board determines that the applicant has met his burden, it may grant a modification from the literal compliance with the terms of this Ordinance.
3. In granting modifications, the Board may impose such conditions as will, in its judgement, secure the objectives and purposes of this Ordinance.
4. When a modification is granted with conditions, a statement of the approved modification including the imposed condition(s) shall be provided on the final plan.

Section 803 Enforcement

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

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

Section 804 Penalties and Preventive Remedies

- A. Any person, partnership, corporation or the members of such partnership or the officers of such corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open and/or dedicate any street, sanitary sewer, storm sewer, water main, or other improvement for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by use of a plan of such subdivision or land development or otherwise; or who erects any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of this Ordinance and has been recorded as provided herein; or who in any other way be in violation of any of the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the District Justice determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of determination of a violation of the District Justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. In addition to other remedies, the Township may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations of this Ordinance, to prevent unlawful construction, to recover damages and/or to prevent illegal occupancy of a building, structure or premises.
- C. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- D. The Township may further refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance. The authority to deny such permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation.
 2. The vendee or lessee of the owner of record at the time of such violation without regard to whether such vendee or lessee had actual or constructive knowledge of the violation.
 3. The current owner of record who acquired the property subsequent to the time of the violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 5. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual constructive knowledge of the violation.
- E. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current owner, vendee, or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real estate.

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ARTICLE IX

APPEALS, INTERPRETATION AND EFFECTIVE DATE

Section 901 Appeals

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

Section 902 Interpretation and Application of Provisions

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

Section 903 Application of Ordinance

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

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

Section 904 Construction

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

Section 905 Severability

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

Section 906 Repealer

All provisions of the Paradise Township Subdivision, Land Development and Storm Water Management Ordinance of 2000, as amended, are hereby repealed in their entirety and the provisions of this Ordinance are hereby substituted therefor; provided, however, that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a violation of the Paradise Township Subdivision, Land Development and Storm Water Management Ordinance of 2000, or its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full force and effect, and not repealed hereby, as they pertain to said acts.

Section 907 Effective Date

This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Supervisors of the Township of Paradise, as provided by law.

DULY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Paradise, Lancaster County, Pennsylvania, on the ____ day of _____, ____ in lawful session duly assembled.

TOWNSHIP OF PARADISE

(Vice) Chairman,
Board of Supervisors

Attest:

Secretary