

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Adopted June 7, 2016

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ARTICLE 1 GENERAL PROVISIONS

SECTION 1.1 TITLE

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

SECTION 1.2 PURPOSE AND INTENT

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

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

Compact and efficient Urban development, that encourages Infill and the retention of community character will, in combination with the Rural development strategies of farmland preservation and conservation, be instrumental in the successful implementation of the Octoraro-wide growth management strategies necessary to the future of Sadsbury Township and the retention of its sense of place. To increase mobility and create connectivity from New Development to existing developments using interconnect trails and sidewalks. New emphasis should be placed on compatible reinvestment, Infill, and Redevelopment in our Urban areas.

Growth management, agricultural preservation and retention of Rural character are critical to the future of Sadsbury Township and its sense of place. Therefore, the protection of agricultural, natural, historic, architectural and scenic resources is necessary while directing development that would otherwise occur as scattered sprawl towards the Urban Growth Area. Agricultural Areas should be managed to preserve productive farmland, promote a healthy agricultural industry, maintain scenic and historic Rural landscapes, preserve sensitive natural features and environmentally sensitive resources. Conservation areas should be managed to protect the resources with high scenic, recreational, and natural resource values.

SECTION 1.3 STATUTORY AUTHORITY

This Ordinance is adopted pursuant to the authority granted by the Pennsylvania Municipalities Planning Code (Act of 1968, P.L. 805, No. 247 as reenacted and amended, Fifteenth Edition, January 2001).

SECTION 1.4 APPLICABILITY

1.4.1 Territorial Application

With the exception of Section 1.4.4 and Section 1.4.5, below, the provisions of this Ordinance shall apply to all Subdivisions and Land Developments within the corporate limits of Sadsbury Township.

1.4.2 General Application

No Subdivision or Land Development of any Lot, Tract or Parcel of land located within Sadsbury Township shall be effected and no Street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for travel or public use, or for the common use of occupants of Buildings thereon, unless and until a final Subdivision or Land Development Plan has been approved and recorded in the manner prescribed herein. Furthermore, no property shall be developed, no Building shall be erected and no Site Improvements shall be completed except in strict accordance with the provisions of this Ordinance.

1.4.3 General Prohibition

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

1.4.4 Pending Applications

Per Article 5, as revised of the PMPC, the provisions of this Ordinance shall not affect an application for approval of a Subdivision and/or Land Development Plan which is pending action at the time of the effective date of this Ordinance, in which case Applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time when the application for such Plan was duly filed. Additionally, this Ordinance shall not affect any suit or prosecution, pending or to be instituted, to enforce any provision of the Sadsbury Township Subdivision and Land Development Ordinance, as amended, or any applicable predecessor regulations on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance.

1.4.5 Previously Approved Plans

If an Applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the Applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five (5) years of the date of such application, nor shall any provision of this Ordinance be construed to waive the obligations imposed upon an Applicant to complete a previously approved Preliminary or Final Plan, including the installation of all Improvements, in strict compliance with the requirements of such approval. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) years shall be counted from the date of the Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing

ordinances as they stood at the time when the application for such approval was duly filed.

1.4.6 Existing Improvements

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

1.4.7 Notice to School District

Each month the Municipality shall notify in writing the Superintendent of the Octorara School District of any residential development plan that was approved by the Township during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

SECTION 1.5 ENACTMENT

In order that land may be subdivided and/or developed in accordance with the policies and purposes of these regulations (see Section 1.2, Section 8.2 and Section 10.2), this Ordinance is hereby adopted and made effective as of 6-12-2016 (the effective date of this Ordinance).

SECTION 1.6 INTERPRETATION, CONFLICT AND SEPARABILITY

1.6.1 Interpretation

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

1.6.2 Conflict with Public and Private Provisions.

A. Public Provisions

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

B. Private Provisions

This Ordinance is not intended to abrogate any Easement, covenant, or other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than

such Easement, covenant, or other private agreement or restriction, the requirements of this Ordinance shall govern.

1.6.3 Separability

If any part or provision of this Ordinance or the application of this Ordinance to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity and continued enforcement of any other parts or provisions of this Ordinance or the application of them to other persons or circumstances.

SECTION 1.7 SAVING PROVISION

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

SECTION 1.8 REPEAL OF PREVIOUS ORDINANCE

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

SECTION 1.9 ORDINANCE AMENDMENTS

1.9.1 Purpose

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

1.9.2 Procedure

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

A. Proposal

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

B. Review by Planning Commission

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

C. Action by Supervisors

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

D. Notification of Municipal Action

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

SECTION 1.10 ENFORCEMENT AND PENALTIES

1.10.1 Enforcement

It shall be the duty of the Administrative Assistant / Township Engineer/ Zoning Officer/ Supervisors to enforce this Ordinance and to bring any violations of these regulations to the attention of the Municipal Solicitor. Formal enforcement proceedings may be initiated by the Board of Supervisors in the name of the Township upon authorization by the Board of Supervisors.

1.10.2 Penalties

A. Preventive Remedies

1. In addition to other remedies, Sadsbury Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a Building, Structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. Sadsbury Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a Subdivision of real property in

violation of this Ordinance. This authority to deny such a permit or approval shall apply to any of the following Applicants:

- (a) The owner/owners of record at the time of violation;
 - (b) The vendee or lessee of the owner of record at any time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation;
 - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the action; or
 - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. As an additional condition for issuance of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the township may require compliance with the conditions that would have been applicable to the property at the time the Applicant acquired an interest in such real property.

B. Enforcement Remedies

1. Any person, partnership or corporation who or which has violated the provisions of this ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by Sadsbury Township, pay a judgment of not more than five hundred dollars (\$500) plus all court costs including reasonable attorney's fees incurred by Sadsbury Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Sadsbury Township may enforce the judgment pursuant to the Pennsylvania rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have been believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

3. **Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than Sadsbury Township the right to commence any action for enforcement pursuant to this Section.**

ARTICLE 2 LANGUAGE AND DEFINITIONS

SECTION 2.1 GENERAL RULES OF CONSTRUCTION

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

2.1.1 Tense and Form

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

2.1.2 Number

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

2.1.3 Gender

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

2.1.4 Person

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

2.1.5 Building

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

2.1.6 Lot

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

2.1.7 Watercourse

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

2.1.8 Shall and May

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

2.1.9 Time

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

2.1.10 Undefined Terms

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

2.1.11 Illustrations and Tables

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

SECTION 2.2 DEFINITIONS

This Section is intended to provide specificity in areas where ambiguity would lead to confusion and the opportunity to evade the requirements. For the purposes of this Ordinance, the following terms shall have the following meanings:

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

Accessory - Additional, something extra or complementary.

Access Drive - A public or private drive providing vehicular access to and between parking areas for more than two (2) parking spaces within a Land Development; or any drive servicing two (2) or more units of occupancy on a single Lot.

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

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

Agricultural Land/Areas - Land used exclusively for the cultivation of the soil, the production of crops or livestock, or the science of forestry; also, land diverted from agricultural use by an active Federal farm program, provided the diverted land has a conservation cover of grass, legume, trees or wildlife shrubs. Agricultural Land may include, to a minor degree, farmsteads inhabited by the cultivator of the land, housing for farm employees, and land used for preparation of agricultural products by the cultivator of the land.

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

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

Authority - A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164) known as the "Municipality Authorities Act of 1945.

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

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

BMP's - Best management practices.

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

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

Building - Any enclosed or open Structure, other than a boundary wall or fence, occupying more than four (4) square feet of area and/or having a roof supported by columns, piers or walls.

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

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

Building Setback Line - A line within a Lot, designated on a Plan as the minimum required distance between any Structure and the adjacent Street centerline, or Right-of-Way line as specified by any applicable zoning ordinance.

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

Cartway - The portion of a Street Right-of-Way, paved or unpaved, customarily used by motorized and non-motorized vehicles in the regular course of travel over the Street.

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

Commission - The Sadsbury Township Planning Commission.

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

Commonwealth - Commonwealth of Pennsylvania.

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

Comprehensive Plan - The official public document prepared and adopted in accordance with the Pennsylvania Municipalities Planning Code, consisting of maps, charts and textual material,

that constitutes a policy guide to decisions about the physical and social development of the Sadsbury Township.

Concentrated Building Area - Presently undeveloped land within an Urban Growth Area that has the physical characteristics and available infrastructure to accommodate more intense development.

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

Conservation Subdivision - A residential development in a Rural setting that is characterized by compact Lots and Common Open Space, and where the natural features of the land are maintained to the greatest extent possible.

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

Core Reinvestment Areas - Lancaster City and the boroughs.

County - Lancaster County, Pennsylvania.

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

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

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

Density, Net - The number of dwelling units or units of occupancy per net Lot Area acre (i.e. the total area within the Deeded property lines excluding common open spaces, utility and Street Rights-of-Way).

Designated Growth Area (DGA) - A region within a County or counties described in a Municipal or Multi-Municipal Plan that preferably includes and surrounds a city, borough or village, 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 and planned for, and public infrastructure services are provided or planned. (per MPC)

Designated Rural Area - Areas within which Rural resources, Rural character, and a Rural way of life are to be sustained.

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

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

Development Plan - The provisions for development, including a Planned Residential Development, a Subdivision Plat or Plan and/or a Land Development Plat or Plan, all covenants relating to use, location and bulk of Buildings and other Structures, intensity of use or density of development, Streets, ways and parking facilities, Common Open Space and public facilities.

The phrase “provisions of the Development Plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Drainage Easement - The land required for the installation of storm sewer or drainage facilities, or required along a natural Stream or Watercourse for preserving the channel and providing for the flow of water therein, or to safeguard the public against flood damage.

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

Driveway - A private drive providing vehicular access between a Street or Access Drive and a parking area for four (4) or less residential units of occupancy.

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

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

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

Environmental Covenant - A servitude arising under an environmental response project which imposes activity and use limitation. (On December 18, 2007, Governor Ridge signed the Uniform Environmental Covenants Act (UECA) into law as Act 68 of 2007. Section 6517(a)(1) of UECA requires the use of Environmental Covenants whenever engineering controls or institutional controls are necessary to demonstrate attainment of an Act 2 remediation standard for any cleanup conducted under any applicable Pennsylvania environmental law. The covenant provides a tool to ensure that the conditions allowing for a risk-based cleanup will continue in the future.

Environmentally Sensitive Areas (Urban) - An area not suitable for development that includes flood plains, flood plain soils, Steep Slopes, Wetlands, and riparian areas.

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

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

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

Floodplain - The area of inundation which functions as a storage or holding area for floodwater to a width required to contain a base flood of which there is a one percent (1%) chance of occurring in any given year. The Floodplain also contains both the floodway and the flood fringe. The floodway is the channel of a Watercourse and the adjoining land area that are required to carry and discharge the base flood. The flood fringe is the adjoining area that may be covered by water of the base flood. The location of a Floodplain shall be established in accordance with the requirements of the Sadsbury Township Zoning Ordinance, and may include

an area of greater magnitude than the base flood if a greater flood hazard area is designated by a Municipal ordinance.

Floor Elevation - The Elevation of the lowest level of a particular Building, including the basement.

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

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

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

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

General Building Area - Presently undeveloped land within an Urban Growth Area that has less available infrastructure (water, sewer, transportation, access) than Concentrated Building Areas and thus may not be appropriate for the highest intensity uses.

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

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

Governing Body - The council in cities and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, or any other similar body with the final decision-making, budgeting and appointing authority of a general purpose unit of government.

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

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

Horizon Year - The anticipated opening year of a development, assuming full build out and occupancy.

Illuminance - The quantity of light measured in Foot-candles or Lux.

Impervious Surface - Material that is impenetrable and unable to absorb water, including, but not limited to, Buildings, Structures and paved areas.

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

Improvement, Public - Improvements for which Sadsbury Township may ultimately assume the responsibility for maintenance and operation, or which may affect an Improvement for which Municipal responsibility is established.

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

Infill - Development of land accessible to infrastructure that is within a Designated Growth Area or Rural Center and is generally surrounded by development and has been bypassed, remained vacant, and/or is underused.

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

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

Land Development - The development of property as specified below:

- A. The Improvement of one (1) Lot or two (2) or more Contiguous Lots, Tracts or Parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or non-residential Buildings, whether proposed initially or cumulatively, or a single non-residential Building on a lot or Lots, regardless of the number of occupants or tenure.
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, Streets, common areas, leaseholds, Condominiums, Building groups or other features.
- B. A Subdivision of land.
- C. "Land Development" shall not include:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a Condominium.
 - 2. The addition of an Accessory Building, including farm Buildings, on a Lot or Lots subordinate to an existing Principal Building.

3. The addition or conversion of Buildings or rides within the confines of an enterprise that would be considered an amusement park. For purposes of this sub clause, an amusement park is defined as a Tract or area used principally as a location for permanent amusement Structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial Plans for the expanded area have been approved.

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

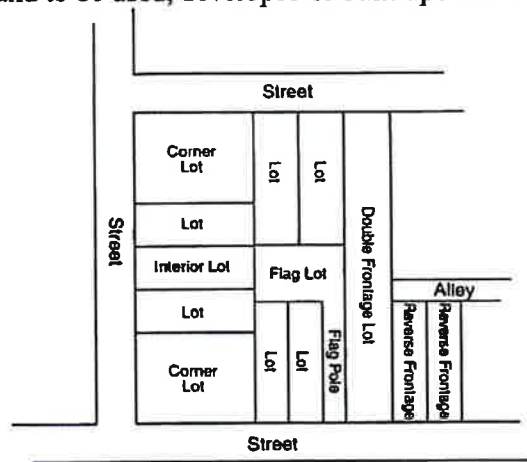
Landscape Architect - A Landscape Architect registered by the Commonwealth of Pennsylvania.

Landscaping - Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, Buffers and shade trees.

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

Light Trespass - Light emitted by a lighting installation which extends beyond the boundaries of the property on which the installation is sited.

Lot - A designated Parcel, Tract or area of land established by a Plat or otherwise as permitted by law and to be used, developed or built upon as a unit.



Lots

Lot, Corner - A Lot situated at the intersection of two (2) or more Streets with Frontage on two (2) or more adjacent sides.

Lot, Double Frontage - An Interior Lot with front and rear Street Frontage, where vehicular access occurs on either Street (See Section 8.4.4.E).

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

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

Lot, Reverse Frontage - An Interior Lot with front and rear Street Frontage, where vehicular access occurs on only the Street of lesser intensity (See Section 8.4.4.E).

Lot Area - The area contained within the property lines of the individual parcels of land, excluding space within the Street Right-of-Way, but not including the area of any easement.

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

Lot Line - A property boundary line of any Lot held in single or separate ownership, except that where any portion of the Lot extends into the Abutting Street or Alley, the Lot Line shall be deemed the Street or Alley line.

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

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

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

Lux - A unit of light intensity stated in lumens per square meter (there are approximately 10.7 lux per footcandle).

Manufactured Home or Mobile Home - A transportable, single-family dwelling intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a Site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation, including any addition or Accessory Structure, such as porches, sheds, decks or additional rooms. All Manufactured or Mobile Homes shall meet construction standards set by the United States Department of Housing and Urban Development.

Mobile Home Lot - A Parcel of land in a Mobile Home Park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single Mobile Home.

Mobile Home Pad - That part of a Mobile Home Lot that is being reserved for the placement of the Mobile Home.

Mobile Home Park - A Parcel or Contiguous Parcels of land which has been so designated and improved that it contains two (2) or more Mobile Home Lots for the placement thereon of Mobile Homes.

Modification (Waiver) - A process for alleviating specific requirements imposed by this Ordinance, as described in Section 3.1.

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

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

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

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

Municipal Engineer - A professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for Sadsbury Township, Lancaster County.

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

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

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

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

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

Official Map - A map adopted by Township ordinance pursuant to Article V of the Pennsylvania Municipalities Planning Code and recorded in the office of the Lancaster County Recorder of Deeds containing a drawing or drawings that show the precise location of future road rights-of-way or lands to be publicly acquired either through purchase or dedication, and which is used to facilitate the proper placement of structures in relation to future property lines.

Parcel - See Lot.

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

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

Pennsylvania Municipalities Planning Code (PMPC) - Adopted as Act 247 of 1968, as reenacted and amended. This act enables municipalities to Plan for, and regulate community development with Subdivision and Land Development ordinances. The code also contains guidelines for Subdivision and Land Development ordinance content. For the purpose of this

Ordinance, the Code may be referred to as "Act 247" and is intended to include the current code and any further amendments thereto.

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

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

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

As-Built Plan - Engineering documents drawn to scale showing the constructed dimensions and materials of a Structure or other land Improvement. An as-built drawing differs from design drawings and construction drawings, which are design-oriented documents prepared prior to construction rather than a depiction of what has been constructed.

Centerline Separation Plan - A complete and exact Subdivision Plan that creates two (2) Lots by using a Street centerline as the common boundary, which meets the criteria specified in Section 4.5, and is designed in accordance with the requirements of Section 5.4.

Final Plan - A complete and exact Subdivision and/or Land Development Plan, including all supplementary data, designed in accordance with the requirements of Sections 4.3 and 5.3.

Lot Add-On Plan - A complete and exact Subdivision Plan, the sole purpose of which is to increase the Lot Area of an existing Lot or Tract, designed in accordance with the requirements of Sections 4.5 and 5.4.

Lot Consolidation Plan - A plan for the consolidation of two or more existing Lots or Tracts to create fewer Lots or Tract with revised Lot lines, designed in accordance with the requirements of Sections 4.5 and 5.4.

Minor Plan - A Final Plan which has an expedited process when designed in accordance with the requirements of Sections 4.6 and 5.5.

Modified Final Plan - A Final Plan modified to reflect a change to the Site or its surroundings that occurs after the Preliminary Plan approval as per Section 4.3.1.C.

Preliminary Plan - A Subdivision and/or Land Development Plan which is designed in accordance with the requirements of Sections 4.2 and 5.2, and is prepared for consideration prior to submission of a Final Plan.

Preliminary/Final Plan - A Final Plan which includes both Preliminary and Final Plan requirements and is designed in accordance with Section 4.4 and 5.3.

Record Plan - A Final Plan that contains the original endorsement of the Sadsbury Township, which is recorded with the Lancaster County Recorder of Deeds.

Revised Subdivision and/or Land Development Plan - Any Revised Plan due to survey corrections prepared in accordance with the requirements of Sections 4.5 and 5.4.

Sketch Plan - An informal Plan, not necessarily to exact scale, indicating salient existing features of a Tract and its surroundings, with the general layout of proposal prepared in accordance with the requirements of Sections 4.1 and 5.1.

Planning Commission - The Sadsbury Township Planning Commission.

Planning Commission, County - The Lancaster County Planning Commission.

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

Professional Consultant - Person or persons who provide expert or professional advice, including, but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architect or planners.

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

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

Public Notice - A notice published once each week for two (2) successive weeks in a newspaper of general circulation in Sadsbury Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

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

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

Right-of-Way - The total width of any land reserved or dedicated as a Street, Alley or Pedestrian Way, or for any other public or private purpose.

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

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

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

Rural Center - An area of existing development to which New Development not directly related to the Rural economy is to be directed that otherwise would occur as scattered sprawl in Designated Rural Areas. Four (4) types of Rural Centers are: Village Growth Areas, Crossroads Communities, Rural Business Areas, and Rural Neighborhoods.

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

Sadsbury Township - Sadsbury Township, Lancaster County, Pennsylvania.

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

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

Setback Line - See Building Setback Line.

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

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

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

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

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

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

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

Steep Slope – Any area with a gradient of 15% or greater, prior to any earthmoving activity, as defined by the Soil Survey of Lancaster County Pennsylvania, or as documented by an alternative source or method deemed acceptable by the Township Engineer. Areas of steep slope shall be further classified as moderately steep (slope of 15% to 25%) and very steep (slope greater than 25%).

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

Stormwater Management Facilities - Those controls and measures (e.g., storm sewers, berms, terraces, bridges, dams, basins, infiltration systems, Swales, Watercourses and Floodplains) used to implement a Stormwater management program.

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

Street - A strip of land, including the entire Right-of-Way, publicly or privately owned, serving primarily as a means of motorized and non-motorized vehicular and pedestrian travel, and furnishing access to Abutting properties. This term shall include the terms avenue, boulevard, road, highway, freeway, parkway, lane, Alley, viaduct or any other way used for similar purposes. Streets shall conform to one of the following categories:

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

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

Street, Private - A Street not accepted for Dedication by Sadsbury Township.

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

Subdivision - The division or re-division of a single Lot, Tract or Parcel of land by any means into two (2) or more Lots, Tracts, Parcels or other divisions of land, including changes in

existing Lot Lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or Building, or Lot development.

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

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

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

Supervisors - The Board of Supervisors of the Sadsbury Township.

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

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

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

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

Township – The Township of Sadsbury, Lancaster County, Pennsylvania.

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

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

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

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

Urban - All boroughs and developed land in the Township within an Urban Growth Area.

Urban Growth Area - An area that is designated as appropriate for future development and includes a city or borough at its center, developed portions of township, and development capacity to meet future land use needs. Urban Growth Areas are given official standing by their incorporation on Future Land Use Maps and through the adoption in County and local Comprehensive Plans.

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

Waiver - See Modification

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

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

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

Yard - The unobstructed open space on a lot around a building. Porches and car ports shall be considered a part of the building. Normal overhanging eaves, gutters and cornices shall not be considered an infringement of the Yard requirements.

Yard, Front – The area extending across the full width of a Lot between any Building and the front Lot Line, and measured perpendicular to the Building at the closest point to the front Lot Line.

Yard, Rear – The area extending across the full width of a Lot between the Principal Building and the rear Lot Line, and measured perpendicular to the Building at the closest point to the rear Lot Line.

Yard, Side – The area(s) between the Principal Building and any side Lot Line(s), and measured perpendicular to the Building at the closest point to the side Lot Line; or a Yard which is not a front or Rear Yard.

ARTICLE 3 ADMINISTRATION

SECTION 3.1 MODIFICATIONS (WAIVERS)

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

Modifications should only be granted to encourage flexibility and ingenuity in the layout and design of Subdivisions and Land Developments while meeting the intent and purpose of the ordinance, when literal compliance would be unreasonable, cause undue hardship, or when an alternative standard is demonstrated to provide equal or better results and if the Modification would not be contrary to the public interest.

3.1.1 Purpose

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

3.1.2 Procédure

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

A. Application Requirements

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

B. Review by Planning Commission

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

C. Action by Supervisors

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

D. Notification of Municipal Action

1. After the meeting at which the Modification was reviewed, written notice of the Supervisors' action shall be sent to the following individuals:
 - (a) Landowner or his agent
 - (b) Applicant
 - (c) Firm that prepared the Plan
2. If the Supervisors deny the request, it will notify the above individuals, in writing, of the justification for denial. If the Supervisors grant the request, the Final Plan shall include a note that identifies the specific Modification as granted.

3.1.3 Authority to Impose Conditions

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

3.1.4 Time Extension Modifications

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

3.1.5 Waiver of Preliminary Plan Modifications

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

SECTION 3.2 ACCEPTANCE OF CONDITIONS OF PLAN APPROVAL

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

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

SECTION 3.3 CHALLENGES AND APPEALS

3.3.1 Right to Appeals

Any person aggrieved by a finding, decision or recommendation of the Board of Supervisors or Planning Commission with respect to the approval or disapproval of a Plan or request for Modification may appeal as provided for in the Pennsylvania Municipalities Planning Code and other relevant statutes and rules.

3.3.2 Mediation Option

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

SECTION 3.4 RECORDS

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

SECTION 3.5 FEES

3.5.1 Review Fee

Each Subdivision or Land Development Plan application shall be accompanied by the required review fee as established and adopted by resolution by the Board of Supervisors. Fees shall be payable to Sadsbury Township at the time of application (unless otherwise noted herein) and Plan processing, approval and recording shall not be completed until all required fees are paid. There shall be no refund or credit of fees or a portion of any fee

should the Applicant withdraw the Plan during the review process or fail to receive Plan approval.

3.5.2 Professional Service Fees

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

3.5.3 Professional Service Fee Disputes

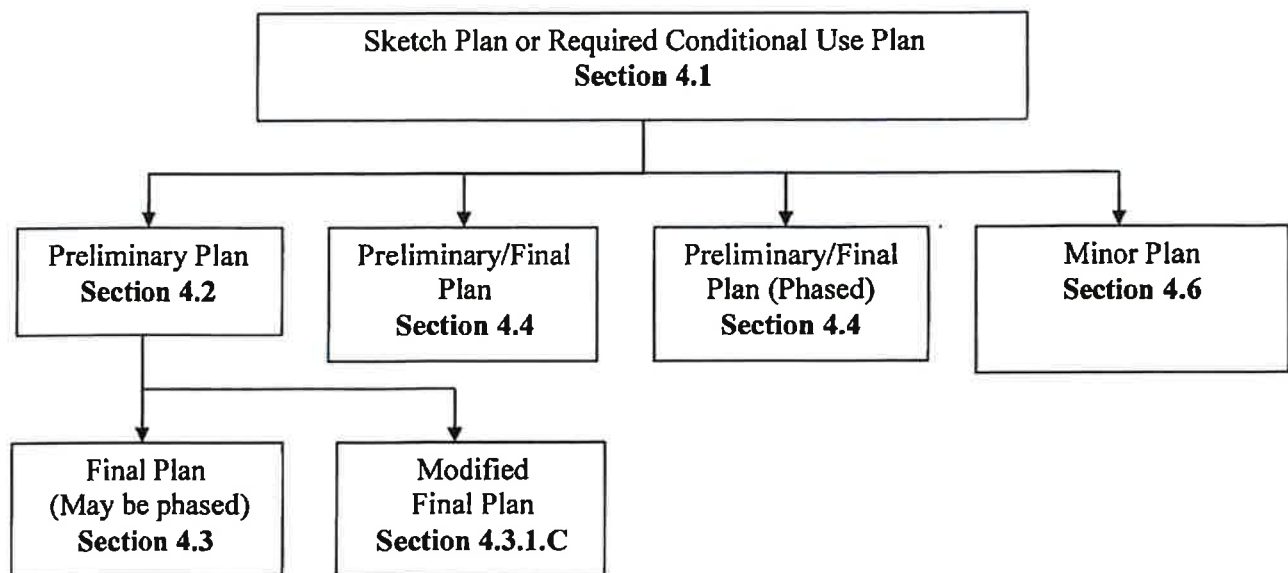
An Applicant must notify Sadsbury Township within ten (10) days of the date billed if the fee is disputed. Once notified of the dispute, the Township cannot delay or disapprove an application based on differences over fees. If, within twenty (20) days of the date of billing the Applicant and Sadsbury Township cannot agree on the amount of expenses that are reasonable and necessary, a procedure shall be followed whereby another Engineer is mutually appointed to establish the cost. The Applicant must immediately pay the entire amount determined by the mutually appointed Engineer.

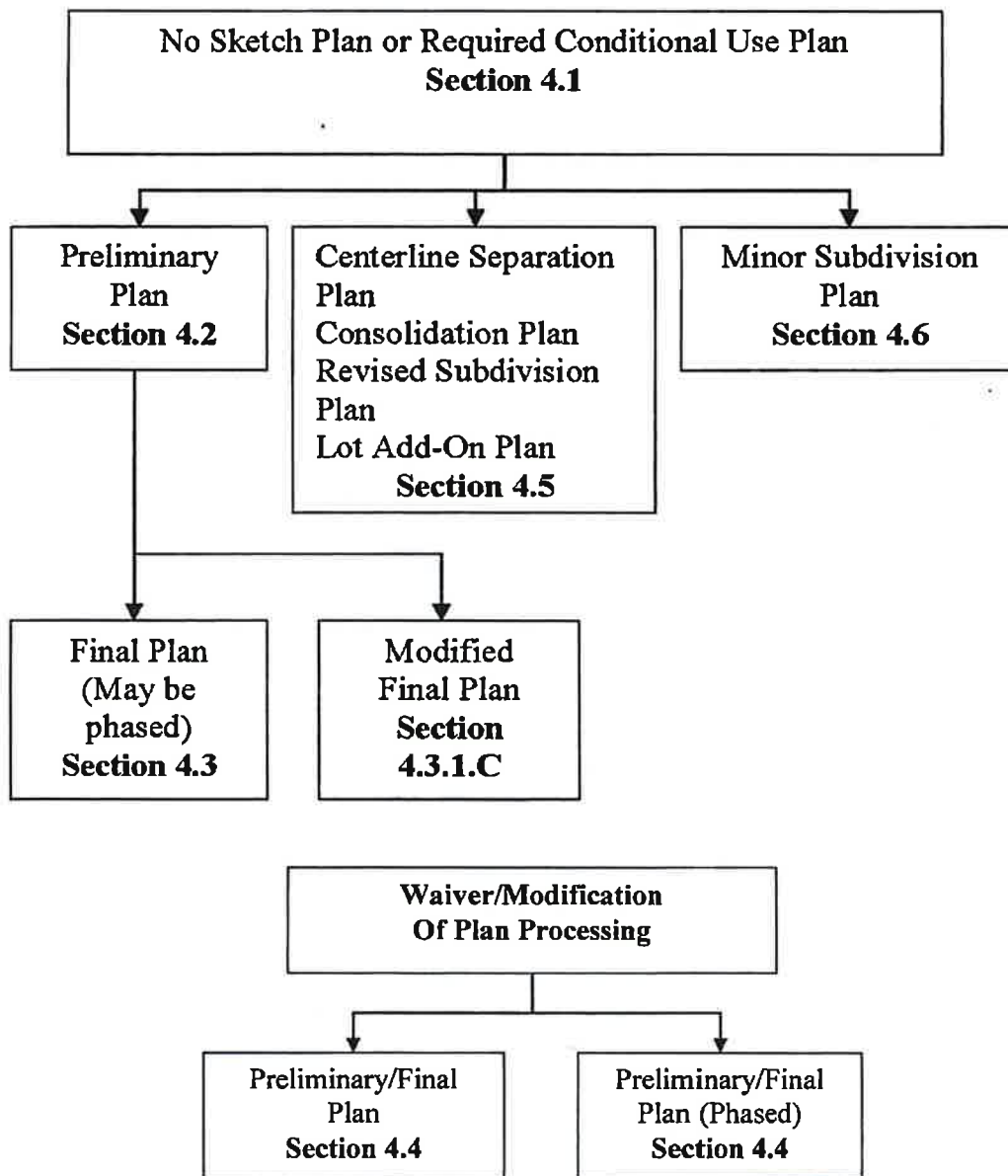
When the Applicant and Sadsbury Township cannot agree upon appointment of an Engineer, either party can apply to the court of common pleas who will appoint one. The court appointed Engineer will determine the amount of reasonable and necessary expenses. If that amount is equal to or greater than the original amount billed, the fee of the court appointed Engineer shall be paid by the Applicant. If the determined fee is less than the amount billed by one thousand dollars (\$1,000) or more, the fee of the court appointed Engineer shall be paid by the Township; differences less than one thousand dollars (\$1,000) are to be shared equally by the Applicant and the Township.

ARTICLE 4 PLAN PROCESSING PROCEDURES

SECTION 4.1 SKETCH PLAN

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





4.1.1 General

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

4.1.2 Plan Information

Sketch Plan reviews are not required to be consistent with procedures of the Pennsylvania Municipalities Planning Code. Sketch Plans prepared for review and discussion should include these items listed in Section 5.1. If the Development accesses a Collector, Arterial, State or Local Street, the Sketch Plan shall depict the proposed access and Frontage Improvements.

4.1.3 Submission, Meeting, and Consultant Review

The Applicant shall submit a minimum of three copies of the initial Sketch Plan, along with any required supplemental data and an application form, to the Township. The Applicant shall schedule a review meeting with the Municipal Staff which shall include but not limited to the Zoning Officer, Municipal Engineer, other consultants and/or County Community Planner. The Applicant may request that the Municipal Planning, Engineering, and/or legal consultant perform a written review of the Sketch Plan, at the Applicant's sole cost and expense. In such case, the written review shall be provided to the Applicant with copies to Municipal Staff and the Planning Commission.

4.1.4 Review by Township Planning Commission

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

4.1.5 Review by the Township Supervisors

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

4.1.6 Completion of the Sketch Plan Process

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

A. Preliminary Plan submission

Per Section 4.2 and then Final Plan submission per Section 4.3.

B. Combined Preliminary /Final Plan submission

Plan must be titled Preliminary/Final. Plans must be processed per Sections 4.4.

C. Combined Preliminary/Final Phased Plan submission (multi phased final)

Plan must be titled Preliminary/Final. Plans must be processed per Section 4.4.

SECTION 4.2 PRELIMINARY PLAN

4.2.1 Purpose

The purpose of the Preliminary Plan is to require formal preliminary approval in order to, vest the Plan from changes in Sadsbury Township ordinances, phase development, and provide additional time to complete conditions of approval.

4.2.2 Plan Requirements

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

4.2.3 Submission

Official submission of the Preliminary Plan application to Sadsbury Township shall consist of:

A. Preliminary Plan

Nine (9) copies of the Preliminary Plan, plus one (1) additional copy if the subject Site is within five hundred feet of a Municipal boundary and one (1) additional copy if the subject Site abuts a State road.

B. Supplemental Data

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

C. Application Form

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

D. Filing Fee

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

E. Application Completeness Review

All required Plans and documents and the required filing fee shall accompany a Preliminary Plan application. Sadsbury Township shall have ten (10) business days from the date of submission to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

4.2.4 Notification

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

- A. Fire Company
- B. Municipal Engineer
- C. Water / Wastewater Authority (if applicable)
- D. Other Municipalities within five hundred feet

4.2.5 Planning Commission Action

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

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

4.2.6 Township Supervisors Action

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

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

4.2.7 Notification of Board of Supervisors Action

A. Written Notification

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

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

B. Disapproval of Application.

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

C. Failure of Supervisors to Act

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

4.2.8 Compliance with Supervisors Action

If the Supervisors conditions its Preliminary Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to Sadsbury Township for approval by the Supervisors within ten (10) days of the meeting at which the Preliminary Plan application is reviewed by the Supervisors or as part of the Final Plan Application.

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

4.2.9 Supervisors Approval and Certification

A. Preliminary Plan Approval

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

B. Time Period of Approval

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

4.2.10 Improvement Construction from Preliminary Plan

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

A. Requirements

1. The Applicant shall indicate in writing the intent to construct the Improvements prior to Final Plan approval to the Supervisors as part of the Preliminary Plan application process.
2. Plans must also receive approval, when applicable, from all authorities having jurisdiction including by way of example but not limited to, Highway Occupancy Permit, Erosion and Sedimentation Control Approval, etc.
3. The Applicant may, after receipt of acknowledgment from the Supervisors of the satisfactory completion of all conditions of Preliminary Plan approval, proceed to construct the Improvements required by this Ordinance and shown on the approved Preliminary Plan.

4. The Applicant shall complete and enter into the appropriate Developers agreement. The Applicant shall indicate the timetable for the construction of the Improvements including a schedule and Plan of the proposed phasing of sections of the Plan.
5. An As-Built Plan will be required to be recorded as the Final Plan after constructing Improvements from each phase of a Preliminary Plan.

B. Limitations

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

SECTION 4.3 FINAL PLAN

4.3.1 General

A. Final Plan Submission

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

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

B. Final Plan Submitted in Phases

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

C. Modified Final Plan

The Board of Supervisors may accept a Final Plan modified to reflect a change to the Site or its surroundings that occurs after the Preliminary Plan review. The

Supervisors shall determine whether a Modified Final Plan will be accepted or whether a new Preliminary Plan shall be submitted.

4.3.2 Purpose

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

4.3.3 Plan Requirements

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

4.3.4 Submission

Official submission of the Final Plan application to Sadsbury Township shall consist of:

A. Final Plan

Nine (9) copies of the Final Plan sheet(s) to be recorded, plus one (1) additional copy if the subject Site is within one (1) mile of a Municipal boundary and one (1) additional copy if the subject Site abuts a State road.

B. Supplemental Data

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

C. Application Form

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

D. Filing Fee

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

E. Application Completeness Review

All required Plans and documents and the required filing fee shall accompany a Final Plan application. Sadsbury Township shall have ten (10) 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 the information required by this Ordinance.

4.3.5 Notification

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

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

4.3.6 Planning Commission Action

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

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

4.3.7 Supervisors Action

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

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

4.3.8 Notification of Supervisors Action

A. Written Notification

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

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

B. Disapproval of Application

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

C. Failure of Supervisors to Act

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

4.3.9 Compliance with Supervisors Action

If the Supervisors conditions its Final Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to Sadsbury Township for approval by the Supervisors within ten (10) days of the meeting at which the Final Plan application is reviewed by the Supervisors.

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

4.3.10 Plan Certification

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

4.3.11 Planning Commission and Supervisors Signatures Required

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

4.3.12 Lancaster County Planning Commission Signature Required

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

4.3.13 Recordation

A. Recording of Final Plan

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

B. Time Period of Approval

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

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

C. Recording Number Required

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

D. Reporting to GIS

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

4.3.14 Prior Conveyance of Lots Prohibited

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

4.3.15 Dedication by Recording the Final Plan

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

4.3.16 Notice of Reservation from Public Dedication

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

SECTION 4.4 PRELIMINARY/FINAL PLAN

4.4.1 Purpose

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

4.4.2 Plan Requirements

All Preliminary/Final Plans shall be prepared in conformance with any other applicable requirements of law. Only the Plan sheets relating to the Final Plan are recorded. The entire set of Plans is not recorded. Plans shall only be permitted when all of the following criteria are satisfied:

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

4.4.3 Submission

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

- A. Preliminary/Final Plan
Nine (9) copies of the Preliminary/Final Plan.
- B. Supplemental Data
Two (2) copies of all reports, notifications and certifications that are not provided on the Preliminary/Final Plan, including Storm Water management Plans and calculations.
- C. Application Form
One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures.
- D. Filing Fee
A filing fee (in accordance with Sadsbury Township's current fee schedule) consisting of a check or money order drawn to Sadsbury Township.
- E. Application Completeness Review

All required Plans and documents and the required filing fee shall accompany a Preliminary/Final Plan application. Sadsbury Township shall have ten (10) business days from the date of submission to check the Plans and documents to determine if, on their face, they are in proper form and contain all the information required by this Ordinance.

4.4.4 Notification

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

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

4.4.5 Planning Commission Action

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

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

3. Firm that prepared the Plan
4. Supervisors
5. Lancaster County Planning Commission

4.4.6 Supervisors Action

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

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

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

4.4.7 Notification of Supervisors Action

- A. Written Notification

Within fifteen (15) days of the meeting at which the Preliminary/Final Plan application is acted upon by the Supervisors, written notice of approval including conditions and waivers of the Supervisors' action shall be sent to the following:

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

- B. Disapproval of Application

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

C. Failure of Supervisors to Act

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

4.4.8 Compliance with Supervisors Action

If the Supervisors condition its Preliminary/Final Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the Plan to be submitted to Sadsbury Township for approval by the Supervisors within ten (10) days of the meeting at which the Preliminary/Final Plan application is reviewed by the Supervisors.

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

4.4.9 Plan Certification

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

4.4.10 Planning Commission and Supervisors Signatures Required

Both mylar copies and two (2) paper copies of the approved version of the Preliminary/Final Plan shall be presented to the Planning Commission and, then, to the Supervisors for signature.

4.4.11 Lancaster County Planning Commission Signature Required

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

4.4.12 Recordation

A. Recording of Final Plan

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

B. Time Period of Approval

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

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

C. Recording Number Required

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

D. Reporting to GIS

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

4.4.13 Prior Conveyance of Lots Prohibited

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

4.4.14 Dedication by Recording the Preliminary/Final Plan

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

4.4.15 Notice of Reservation from Public Dedication

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

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

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

4.5.1 Plan Types.

A. Centerline Separation Plan

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

B. Lot Consolidation Plan

The consolidation of two (2) or more existing Tracts to create one (1) or more Lot(s) with revised Lot Lines if it is in conformance with the criteria specified in Section 5.4.

C. Revised Subdivision Plan

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

D. Lot Add-On Plan

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

4.5.2 Plan Criteria

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

A. The resultant Lots meet all requirements of the applicable zoning district.

- B. The resultant Lots shall retain adequate access to accommodate potential development in accordance with the current zoning district regulations.
- C. Drainage Easements or rights-of way are not altered.
- D. Access to the affected Parcels is not altered or modified.
- E. Street alignments are not changed.
- F. The resultant Lots meet all previously approved sewage module requirements, including where applicable, minimum lot size.

4.5.3 Plan Requirements

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

4.5.4 Submission.

Official submission of the Plan application to Sadsbury Township shall consist of:

- A. Plan
Nine (9) copies of the Plan sets.
- B. Application Form
One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures.
- C. Filing Fee
A filing fee (in accordance with Sadsbury Township's current fee schedule) consisting of a check or money order drawn to Sadsbury Township.
- D. Written Review from the Municipal Zoning Officer
A written review from the Municipal Zoning Officer shall accompany the Plan application.

4.5.5 Planning Commission Action

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

- A. Review and evaluate the application and all reports received from applicable reviewing agencies (including LCPC action) and consultants. Determine whether

the Plan and reports meet the requirements and objectives of this Ordinance and other applicable ordinances.

- B. Send meeting minutes or a written report recommending approval or disapproval of the Plan and the reasons therefore, citing the provisions of the statute or ordinance relied upon, to the following:
 - 1. Landowner or his agent
 - 2. Applicant
 - 3. Firm that prepared the Plan
 - 4. Supervisors
 - 5. Lancaster County Planning Commission

4.5.6 Supervisors Action

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

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

4.5.7 Notification of Supervisors Action

A. Written Notification

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

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

B. Disapproval of Application

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

C. Failure of Supervisors to Act

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

4.5.8 Compliance with Supervisors Action

If the Supervisors 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 by the Supervisors within ten (10) days of the meeting at which the Plan application is reviewed by the Supervisors.

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

4.5.9 Plan Certification

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

4.5.10 Planning Commission and Supervisors Signatures Required

Both mylar copies and two (2) paper copies of the approved version of the Plan shall be presented to the Planning Commission and, then, to the Supervisors for signature.

4.5.11 Lancaster County Planning Commission Signature Required

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

4.5.12 Recordation of Plan and Deed

A. Recording of the Plan

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

B. Deeds

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

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

C. Time Period of Approval

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

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

D. Recording Number Required

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

E. Reporting to GIS.

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

4.5.14 Future Development

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

SECTION 4.6 MINOR PLAN

4.6.1 Plan Purpose

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

4.6.2 Plan Criteria

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

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

4.6.3 Plan Requirements

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

4.6.4 Submission

Official submission of the Plan application to Sadsbury Township shall consist of:

- A. Plan
Nine (9) copies of the Plan sets.
- B. Application Form
One (1) application form completely and correctly executed, with all information legible, and bearing all required signatures.
- C. Filing Fee
A filing fee (in accordance with Sadsbury Township's current fee schedule) consisting of a check or money order drawn to Sadsbury Township.
- D. Written Review from the Municipal Zoning Officer
A written review from the Municipal Zoning Officer shall accompany the Plan application.
- E. Written Notice from the Lancaster County Conservation District
Notification from the Lancaster County Conservation District which indicates that an acceptable Erosion and Sedimentation Control Plan has been submitted for the proposed project.

4.6.5 Planning Commission Action

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

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

4. Supervisors
5. Lancaster County Planning Commission

4.6.6 Board of Supervisors Action

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

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

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

4.6.7 Notification of Supervisors Action

- A. Written Notification

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

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

- B. Disapproval of Application

If the Plan application is disapproved, the Supervisors will notify the above individuals, in writing, of the defects in the application and will identify the

requirements that have not been met; citing the provisions of the statute or ordinance relied upon.

C. **Failure of Supervisors to Act**

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

4.6.8 Compliance with Supervisors Action

If the Supervisors condition 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 Sadsbury Township for approval by the Supervisors within 10 days of the meeting at which the Plan application is reviewed by the Supervisors.

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

4.6.9 Plan Certification

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

4.6.10 Planning Commission and Supervisors Signatures Required

Both mylar copies and two (2) paper copies of the approved version of the Plan shall be presented to the Planning Commission and, then, to the Supervisors for signature.

4.6.11 Lancaster County Planning Commission Signature Required

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

4.6.12 Recordation of Plan and Deed

A. **Recording of the Plan**

Upon approval and certification of a Plan, the Applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. No Plan may be recorded

unless it bears the signature of an authorized representative of the Supervisors denoting approval of the Plan by the Supervisors and the signature of two individuals authorized to sign for the Lancaster County Planning Commission per Section 513 of the Act 247, as amended. In the event that the Plan requires the installation of Subdivision/Land Development improvements, then the Final Plan shall not be released for recording until the Applicant has complied with the improvements construction guarantee requirements of Section 6.3 hereof.

B. Deeds

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

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

C. Time Period of Approval

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

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

D. Recording Number Required

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

E. Reporting to GIS

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

ARTICLE 5 INFORMATION TO BE INCLUDED ON OR WITH PLANS

SECTION 5.0 GENERAL

All Plans shall be prepared by an Engineer, a Surveyor or a Landscape Architect. The Plans shall show, be accompanied by, and be prepared in accordance, with this Article and shall provide sufficient design information to demonstrate conformance with the requirements of Article 8 and, if and when added, Article 9 and Article 10.

SECTION 5.1 SKETCH PLAN

5.1.1 Drafting Standards

A. Scale

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

B. Sheets

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

C. Presentation

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

5.1.2 Plan Information

A. Location and Identification

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

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

B. Existing Features

1. Existing contours. Lancaster County Geographic Information System (GIS) Topography may be accepted.
2. The following items when located within the Subject Tract:
 - (a) The name and approximate location and approximate dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets, public utilities, Storm Water Management Facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of railroads, Buildings, environmental and topographic features, including, but not limited to, flood plains, Wetlands, quarry Sites, woodlands, habitats for threatened and endangered species, solid waste disposal areas, Historic Features, cemetery or burial sites, archeological sites, or areas with highly erosive soils.
3. When available, the following items when located within two hundred (200) feet of the Subject Tract as inventoried in the Lancaster County GIS:
 - (a) The name and approximate location and approximate dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets, public utilities, Storm Water Management Facilities, telecommunications, electric, gas, and oil transmission lines. The approximate location of railroads, Buildings, Floodplains, and Wetlands.

4. In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include the boundary limits of any contamination remaining on site. The application shall include a copy the Environmental Covenant agreement and any required engineering and institutional controls.

C. Additional Information

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

SECTION 5.2 PRELIMINARY PLAN

5.2.1 Drafting Standards

A. Scale

The Plan shall be clearly and legibly drawn at a standard scale of 10 to 100 feet to the inch.

B. Dimensions and Bearings

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

C. Survey Closure

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

D. Sheets

If the Plan is prepared in two (2) or more sheets, a key map showing the location of the Phases and or match lines 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).

E. Presentation

Plans shall be presented in a clear, legible, coherent and organized manner. Plans should be presented with a written narrative description.

5.2.2 Plan Information

A. Location and Identification

1. The proposed project name.
2. The name and address of the owner(s) of the Tract (or an authorized agent), the Developer/subdivider and the firm that prepared the Plan.
3. The file or project number assigned by the firm that prepared the Plan, the Plan date, and the date(s) of all Plan revisions.
4. A north arrow, a graphic scale and a written scale.
5. A location map, drawn to a scale of a minimum of one inch equals two thousand feet (1"=2,000') relating the Subdivision to at least two (2) intersections of road centerlines. The approximate distance to the intersection of the centerlines of the nearest improved Street intersection shall be identified.
6. If the Tract of land is located within 200 feet of a Municipal or zoning district boundary line(s), the location of such boundary shall be shown and labeled accordingly.
7. The entire existing Tract boundary with bearings and distances. (If a Landowner is to retain a single Lot with a Lot Area in excess of ten (10) acres, the boundary of that Lot may be identified as a Deed plotting and

may be drawn at any legible scale; if the remaining Lot has a Lot Area of ten (10) or less acres, it must be described to the accuracy requirements of this Ordinance.)

8. The source of title (including the Deed, Lot and Plan of record number) to the Subject Tract.
9. The (tax) Parcel identification and account number(s) for the Subject Tract.
10. In the case of a Plan for which the subject property is enrolled in the Clean and Green preferential assessment program, the inclusion of the following Plan note:

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

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

B. Existing Features

1. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.
2. The location of the benchmark and a notation indicating the datum used.

3. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography will not be accepted in areas where Improvements are proposed but should be used beginning 50 feet outside the Improvement boundary.
4. The following items when located within the Subject Tract:
 - (a) The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways, parking compounds or Service Streets.
 - (b) The location and size of the following features and related Rights-of-Way or Easements: Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Stormwater Management Facilities.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) The size, capacity and condition of the existing Stormwater management system and any other facility that may be used to convey storm flows within and from the Subject Tract.
 - (e) The Preliminary Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - (f) In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.
5. The following items when located within two hundred (200) feet of the Subject Tract:
 - (a) The location and name of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.

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

C. Additional Information

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

11. The location and material of existing Lot Line Markers along the perimeter of the entire existing Tract.
12. The layout of Lots, with approximate dimensions.
13. The total number of Lots, units of occupancy, Net Density, Gross Density, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
14. The layout of Streets, including Cartway and Right-of-Way widths, and the proposed Street names.
15. Stormwater Management Plans and data designed in accordance with the municipal Stormwater ordinance.
16. In the case of a Plan which requires access to a highway under the jurisdiction of PennDOT (Pennsylvania Department of Transportation), the inclusion of the following Plan note:

“A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before Driveway access to a State highway is permitted. Access to the State highway shall only be as authorized by a Highway Occupancy Permit, and the Supervisors' approval of this Plan in no way implies that such permit can be acquired.”
17. In the case for the phased installation of Improvements:
 - (a) A schedule shall be filed delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section are intended to be filed.
 - (b) Each section in any Subdivision or Land Development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units unless the Board of Supervisors specifically approves a lesser percentage for one or more of the sections.
 - (c) Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future Phases. Including, but not limited to Storm Water Management Facilities, Streets, and utilities.
 - (d) Except for staged construction of Streets intended to be extended in subsequent Phases, all Improvements for each section shall be installed in their permanent configuration. The final wearing

course shall be carried in an Improvement guarantee until it is finally installed and inspected.

- (e) It is not necessary for construction in one section to be completed for the next section to be submitted.
- (f) All subsequent phased Final Plans shall be submitted within five years of the date of Supervisors action on the Preliminary Plan unless otherwise agreed upon by the Applicant and Sadsbury Township. The Developer shall take the responsibility to provide the Supervisors with reasonable notice of delays in the filing of Final Plans.
- (g) The Applicant shall annually update the Supervisors regarding the schedule on or before the anniversary date of the Preliminary Plan approval.

D. Certificates, Notifications and Reports

1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct, and certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate.
2. Provide a note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
3. Any improvement that encroaches upon an electric transmission line, telecommunication line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the Tract, the application shall be accompanied by a letter from the owner or lease of such Right-of-Way stating any conditions on the use of the land and the minimum Building setback and/or Right-of-Way lines.
4. Where the Subdivision or Land Development proposal will generate fifty (50) or more additional Trips to or from the Site during the development's anticipated Peak Hour, or the Supervisors indicates a need for one, a traffic impact study as required by Article 7.1 shall be submitted with the Preliminary Plan.
5. Where the land included in the subject application has an agricultural, woodland, or other natural resource Easement located within the Tract, the application shall be accompanied by a letter from the party holding the Easement stating any conditions on the use of the land.

6. Where areas are reserved for Future Access Strip usage, provide a Plan note indicating that Future Access Strip reservations are intended to be used in the future.

5.2.3 Construction from Preliminary Plan

Before starting construction from a preliminary plan, the following must be supplied to the Township Supervisors:

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

SECTION 5.3 FINAL PLAN AND PRELIMINARY/FINAL PLAN

5.3.1 Drafting Standards

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

5.3.2 Plan Information

- A. Location and Identification

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

- B. Existing Features

1. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.

2. The location of the benchmark and a notation indicating the datum used. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography will not be accepted in areas where Improvements are proposed but should be used beginning 50 feet outside the Improvement boundary.
3. The following items when located within the Subject Tract:
 - (a) The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) The location and size of the following features and related Rights-of-Way or Easements: Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities. This information may be provided on separate sheets and need not be recorded with the Final Plan.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) The size, capacity and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows from the Subject Tract.
 - (e) The Final Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - (f) In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.
4. The following items when located within two hundred (200) feet of the Subject Tract:

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

C. Additional Information

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

multiple land uses are proposed, the location of each land use shall be indicated).

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

- (c) Sections of the development shall be sequenced in such a manner that each section (together with the previously approved and completed section(s)) shall be physically built to be in full compliance with the ordinance and not be dependent on the construction completed at future Phases. For example, but not limited to Stormwater Management Facilities.
- (d) Except for staged construction of Streets intended to be extended in subsequent Phases, all Improvements for each section shall be installed to the extent where they provide their intended services. The final wearing course shall be carried in an Improvement guarantee until it is finally installed and inspected.
- (e) It is not necessary for construction in one section to be completed before the next section to be submitted or constructed.
- (f) In the case of a preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on, or before, the anniversary of the preliminary plat approval until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the Supervisors in its discretion.

D. Certificates, Notifications and Reports

1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct. Certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate.
2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the Landowner, to the effect that the Subdivision or Land Development shown on the Plan is the act and the Deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan.
3. Certificate for approval by the Supervisors.
4. Certificate of notification to be signed by the Lancaster County Planning Commission.

5. Certificate to accommodate the Lancaster County Recorder of Deeds information.
6. A note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
7. Written notice from Lancaster County-Wide Communications stating that the proposed Street names are acceptable. See Appendix E.
8. Certificate of Dedication of Streets and other public property, if applicable.
9. A note to be placed on the Plan indicating any area that is not to be offered for Dedication, if applicable.
10. In the case of a Plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following Plan note:

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

proposed development has been reserved shall be provided (in accordance with current authority standards).

5.3.3 As Condition of Recording a Final Plan:

The following conditions are required to record the final plan:

- A. An appropriately executed Memorandum of Understanding (Appendix D and D-1).
- B. Posting of all appropriately executed Financial Securities (Section 6.3).
- C. Written notices of approval by outside agencies, if applicable:
 - 1. When applicable, notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (or Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.
 - 2. When required, notification from the Lancaster County Conservation District that an acceptable Erosion and Sedimentation Control Plan/NPDES Plan has been submitted and approved by that agency:
 - 3. When applicable, notification from the Pennsylvania Department of Transportation (PennDOT) that approval of the Highway Occupancy Permit (HOP) has been granted.
- D. A controlling agreement when an application proposes to establish a Street which is not offered for Dedication to the public use.

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

5.4.1 General

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

5.4.2 Drafting Standards

A. Scale and Sheet Size

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

B. Accuracy

Dimensions shall be in degrees, minutes and seconds with an error of closure no greater than one (1) foot in ten thousand (10,000).

5.4.3 Plan Information

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

A. Location and Identification

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

"NOTICE: According to County records, the subject property may be subject to the Pennsylvania Farmland and Forest Land Assessment Act of 1974, (a.k.a. the Clean and Green Act), Act 319 of 1974, P.L. 973; 72 P.S. 5490.1, as amended, and as further amended by Act 156 of 1998, as amended. These Acts provide for preferential property tax assessment and treatment. It is the property owner's responsibility to be aware of the laws, rules and regulations applicable to his or her property, including the provision that: (a) preferential property tax assessment and treatment will remain in effect continuously until the land owner changes the agricultural use from the approved category, or if a transfer, split-off or separation of the subject land occurs; (b) if a change in use occurs, or if a conveyance,

transfer, separation, split-off or Subdivision of the subject land occurs, the property owner will be responsible for notifying the County Assessor within 30-days; (c) the payment of roll-back tax, plus interest, for the period of enrollment, or a period not to exceed 7-years, whichever is less, may be required; (d) if the property owner fails to notify the County Assessor within the 30-day period, prior to the land conveyance, the property owner may be subject to a \$100.00 civil penalty; (e) if the property owner fails to pay the roll-back tax, a Municipal lien could be placed on the property under existing delinquent tax law.”

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

B. Existing Features

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

C. Additional Information

1. The total acreage, total number of Lots, density of development, present zoning classification and minimum Lot Area requirements.

2. An accurate description of the Parcel to be conveyed. If the remainder of the conveying Tract has a Lot Area of ten (10) acres or less, it must also be described to the accuracy requirements of this Ordinance. If the remaining acreage is in excess of ten (10) acres, its boundary and the boundary of the receiving Tract shall be described by Deed plotting's drawn at a legible scale.
3. Location and material of all permanent Monuments and Lot Line Markers, including a note indicating when they will be set.
4. Identification of any Modifications granted and list of conditions of approval by the Supervisors, if applicable.
5. The location of sight triangle Easements and safe stopping distance at all Street and Driveway intersections in accordance with the latest edition of the Pennsylvania Department of Transportation Design Manual.

D. Certificates and Notifications

1. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the owner of the receiving Tract, to the effect that the conveyance as shown on the Plan is in accordance with the intent of the Landowner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan.
2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the owner of the conveying Tract, to the effect that the conveyance as shown on the Plan is in accordance with the intent of the Landowner, that all those signing are all of the owners of the property shown on the Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan.
3. Certificate, signature and seal of the Surveyor to the effect that the survey is correct and that all Plan information is accurate.
4. Certificate for approval by the Supervisors.
5. Certificate of notification to be signed by the Lancaster County Planning Commission.
6. Certificate to accommodate the Lancaster County Recorder of Deeds information.

SECTION 5.5 MINOR PLANS

5.5.1 Drafting Standards

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

5.5.2 Plan Information

A. Location and Identification

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

B. Existing Features

1. A Deed plotting of the Subject Tract at a scale not less than 1" = 400 feet which accurately identifies the configuration and acreage, as well as the location of all Structures, Floodplain, Drainage Easements, points of ingress and egress, Easements, and sewer and water facilities.
2. The names of all immediately adjacent Landowners and the names and Plan book record numbers of all previously recorded Plans for adjacent projects.
3. The location of the benchmark and a notation indicating the datum used. Existing contours at a minimum vertical interval of two (2) feet for land with slope of fifteen percent (15%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours plotted from the United States Geodetic Survey will not be accepted, and Lancaster County Geographic Information System (GIS) Topography will not be accepted in areas where Improvements are proposed but should be used beginning 50 feet outside the Improvement boundary.
4. The following items when located within the Subject Tract:
 - (a) The location, name and dimensions of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) The location and size of the following features and related Rights-of-Way or Easements: Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities. This information may be provided on separate sheets and need not be recorded with the Final Plan.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.

- (d) The size, capacity and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows from the Subject Tract.
 - (e) The Minor Plan shall indicate any proposed disturbance, encroachment or alteration to such features including; flood plains, Wetlands, quarry sites, woodlands, Significant Trees, habitats for threatened and endangered species, solid waste disposal areas, superfund contaminations, Historic Features, cemetery or burial sites, archeological sites, and areas with highly erosive soils.
 - (f) In the case of a Plan for which the Subject Tract has an Environmental Covenant executed pursuant to the Pennsylvania Uniform Environmental Covenants Act, Act No. 68 of 2007, 27 Pa. C.S. §§ 6501-6517 (UECA), the plan shall include if applicable the specific boundary limits of any contamination remaining on site. The application shall include a copy of the Environmental Covenant agreement and any required engineering and institutional controls.
5. The following items when located within two hundred (200) feet of the Subject Tract:
- (a) The location and name of existing Rights-of-Way or Easements relating to Streets, Cartways, Access Drives, Driveways or Service Streets.
 - (b) As available, the location of Buildings, public utilities, on-lot utilities, on-lot water supplies, on-lot sewage disposal systems and related recharge areas, and Storm Water Management Facilities including the location and size of related Easements.
 - (c) The location of existing Rights-of-Way for telecommunications, electric, gas and oil transmission lines, and railroads.
 - (d) As available, the size, capacity, and condition of the existing Storm Water management system and any other facility that may be used to convey storm flows from the Subject Tract.
 - (e) As available, the location of woodlands, habitats for threatened and endangered species, and highly erosive soils.

C. Additional Information

- 1. The total acreage of the entire existing Tract.
- 2. Identification and disposition of existing Buildings and Historic Features.

3. The location and configuration of proposed Buildings, parking compounds, Streets, Access Drives, Driveways, Landscaping, and all other significant facilities.
4. Building Setback Lines, with distances from the Street centerline or Street Right-of-Way line, whichever requirement is applicable under the zoning regulations.
5. Existing and proposed Easements.
6. A note on the Plan indicating the types of sewer or water facilities to be provided.
7. Identification of any Modifications granted and list of conditions of approval by the Supervisors, if applicable.
8. The zoning district, applicable zoning regulations, Net and Gross Density, the total number of Lots, units of occupancy, and proposed land use (if multiple land uses are proposed, the location of each land use shall be indicated).
9. The location and material of all proposed and existing permanent Monuments and Lot Line Markers, including a note that all proposed Monuments and Lot Line Markers are set or indicating when and by whom they will be set.
10. Lot Lines, with accurate bearings and distances, and Lot Areas for all Parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing Street Rights-of-Way, the description may utilize the existing Deed lines or road centerlines; along all proposed Street Rights-of-Way, the description shall be prepared to the Right-of-Way lines.
11. On and within 200 feet of the Lots proposed for development, identify the location of all proposed Structures, existing Floodplain, Drainage Easements, points of ingress and egress, Easements, and sewer and water facilities.
12. The capacity and condition of all Storm Water Management Facilities located on, and within, two hundred (200') feet of the Lots proposed to be developed must be identified. Any adverse impact to such facilities resulting from increased flows from the Site must be addressed in conformance with the provisions of Municipal Storm Water management regulations.
13. Identification of any lands to be dedicated or reserved for public, semi-public or community use.

D. Certificates, Notifications and Reports

1. Certificate, signature and seal of the Surveyor to the effect that the survey is correct. Certificate, signature and seal of the Surveyor, Engineer or Landscape Architect that prepared the Plan that all other information shown on the Plan is accurate.
2. A statement, duly acknowledged before an officer authorized to take acknowledgment of Deeds and signed by the Landowner, to the effect that the Subdivision or Land Development shown on the Plan is the act and the Deed of the owner, that all those signing are all the owners of the property shown on the survey and Plan, and that they desire the same to be recorded as such. This statement shall be signed and dated on or after the last change or revision to said Plan.
3. Certificate for approval by the Supervisors.
4. Certificate of notification to be signed by the Lancaster County Planning Commission.
5. Certificate to accommodate the Lancaster County Recorder of Deeds information.
6. A note to be placed on the Plan indicating that all zoning approvals, including zoning variances, special exceptions or conditional uses, have been obtained, if applicable, and the conditions imposed.
7. Written notice from Lancaster County-Wide Communications stating that the proposed Street names are acceptable.
8. Certificate of Dedication of Streets and other public property, if applicable.
9. A note to be placed on the Plan indicating any area that is not to be offered for Dedication, if applicable.
10. In the case of a Plan which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation, the inclusion of the following Plan note:

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

11. Any Improvement that encroach upon an electric transmission line, telecommunications line, gas pipeline, petroleum or petroleum products transmission line, fiber optics, public sewer, public water, etc. located within the Tract, the application shall be accompanied by a letter from the owner or lessee of such Right-of-Way stating any conditions on the use of the land, the minimum Building setback and/or Right-of-Way lines, and the centerline of such line.
12. Where the land included in the subject application has agricultural woodland or other natural resource Easement located within the Tract, the application shall be accompanied by a copy of the agreement from the party holding the Easement stating any conditions on the use of the land.
13. Where areas are reserved for Future Access Strip usage, provide a Plan note indicating that Future Access Strip reservations are intended to be used in the future.
14. When connection to an existing water and/or sanitary sewer system is proposed, written notification from the authority providing sanitary sewer and/or water service indicating that sufficient capacity to service the proposed development has been reserved shall be provided (in accordance with current authority standards).

5.5.3 As Condition of Recording a Minor Subdivision Plan:

The following conditions shall apply to record a Minor Subdivision Plan.

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

ARTICLE 6 ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS

SECTION 6.1 IMPROVEMENTS REQUIRED

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

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

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

SECTION 6.2 PLAN IMPROVEMENTS

6.2.1 Recorded Plan Approval

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

6.2.2 Review Fees

Review fees may include reasonable and necessary charges by Sadsbury Township's professional consultants for review and report thereon to Sadsbury Township. Such review fees shall be based upon a schedule established by ordinance or resolution. Such

review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to Sadsbury Township for services which are not reimbursed or otherwise imposed on Applicants. Fees charged to Sadsbury Township relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an Applicant.

6.2.3 Protection of Final Phases

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

SECTION 6.3 IMPROVEMENT CONSTRUCTION GUARANTEE

6.3.1 Form of Financial Security

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

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

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

6.3.2 Amount of Guarantee

A. Amount of Financial Security Required

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

B. Estimate of the Cost of Completion

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

C. Additional Time for Completion

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

SECTION 6.4 INSPECTION OF IMPROVEMENTS

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

6.4.1 Inspection of Improvements

When the Developer has completed all of the necessary and appropriate Improvements, the Developer shall notify the Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid Improvements and shall send a copy thereof to the Municipal Engineer. The Municipal Supervisors shall, within ten days after receipt of such notice, direct and authorize the Municipal Engineer to inspect all of the aforesaid Improvements. The Municipal Engineer shall, thereupon, file a report, in writing, with the Municipal Supervisors, and shall promptly mail a copy of the same to the Developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Municipal Engineer of the aforesaid authorization from the Supervisors; said report shall be detailed and shall indicate approval or rejection of said Improvements, either in whole or in part, and if said Improvements, or any portion

thereof, shall not be approved or shall be rejected by the Municipal Engineer, said report shall contain a statement of reasons for such non approval or rejection.

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

6.4.2 Acceptance of Improvements

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

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

6.4.3 Sadsbury Township Does Not Accept Improvements

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

6.4.4 Duplication of Inspections

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

6.4.5 Inspection Expenses Disputed

A. Disputed Engineer Expenses

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

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

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

C. Determination of Third-Party Professional Engineer

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

D. Appointment of Third-Party Professional Engineer by Court

In the event that the Sadsbury Township's professional consultant and Applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which Sadsbury Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be

neither the Sadsbury Township's professional consultant nor any professional consultant who has been retained by, or performed services for Sadsbury Township or the Applicant within the preceding five years.

E. Payment of Fee for Third-Party Professional Engineer

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

SECTION 6.5 RELEASE OF FUNDS

6.5.1 Partial Release of Funds

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

6.5.2 Final Release

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

6.5.3 Remedies to Effect Completion of Improvements.

In the event that any Improvements which may be required have not been installed as provided in the Subdivision and Land Development ordinance or in accord with the approved final Plan the Supervisors of Sadsbury Township is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the Improvements covered by said security, the

Supervisors of Sadsbury Township may, at its option, install part of such Improvements in all or part of the Subdivision or Land Development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the Improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the Developer, or both, shall be used solely for the installation of the Improvements covered by such security, and not for any other Municipal purpose.

SECTION 6.6 DEDICATION OF IMPROVEMENTS

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

SECTION 6.7 MAINTENANCE GUARANTEE

Where the Supervisors accepts Dedication of all or some of the required Improvements following completion, the Supervisors may require the posting of financial security to secure structural integrity of said Improvements as well as the functioning of said Improvements in accordance with the design and specifications as depicted on the final Plat for a term not to exceed 18 months from the date of acceptance of Dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such Improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said Improvements.

ARTICLE 7 SUPPLEMENTAL REQUIREMENTS, TESTS & STUDIES

SECTION 7.1 TRAFFIC IMPACT STUDY

7.1.1 Study Required

A. Abbreviated Traffic Impact Study

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

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

B. Comprehensive Traffic Impact Study

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

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

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

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

7.1.2 Traffic Impact Study Requirements

A. Area of Traffic Impact Study

The traffic impact study area shall be based on the characteristics of the surrounding area. The intersections to be included in the study shall be adjacent to the Site or have direct impact upon the access to the Site. The intersections shall be mutually agreed upon by Sadsbury Township and the transportation Engineer preparing the study. The Lancaster County Planning Commission shall be called upon to resolve any disputes between Sadsbury Township and the transportation Engineer.

B. Preparation by Transportation Engineer Required

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

C. Horizon Year

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

D. Non-Site Traffic Estimates

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

E. Trip Generation Rates Required

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

Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the study.

F. Consideration of Pass-By Trips

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

G. Rate Sums

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

H. Explanations Required

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

I. Definition of Influence Area

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

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

J. Estimates of Trip Distribution Required

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

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

Whichever method is used, Trip distribution must be estimated and analyzed for the Horizon Year. A mixed-use development may require more than one distribution and coinciding assignment for each phase (for example, residential

and retail Phases on the same Site). Consideration must also be given to whether inbound and outbound Trips will have similar distributions.

K. Trip Assignments

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

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

1. Determine the percentage of pass-by Trips in the total Trips generated.
2. Estimate a Trip distribution for the pass-by Trips.
3. Perform two separate Trip assignments, based on the new and pass-by Trip distributions.
4. Combine the pass-by and new Trip assignment.

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

L. Total Traffic Impacts

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

M. Capacity Analysis

Capacity analysis must be performed at each of the major Street and project Site access intersection locations (signalized and un-signalized) within the study area. In addition, analyses must be completed for roadway segments deemed sensitive

to Site traffic within the study area as determined by the Sadsbury Township. These may include such segments as weaving sections, ramps, internal Site roadways, parking facility access points, and reservoirs for vehicles queuing on- and Off-Site. Other locations may be deemed appropriate depending on the situation.

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

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

N. Required Levels-of-Service

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

O. Documentation Required

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

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

- (a) Study purpose and objectives.
- (b) Description of the Site and study area.
- (c) Existing roadway conditions in the area of the development.
- (d) Recorded or approved development(s) within the traffic impact study area.
- (e) Trip generation, Trip distribution, and modal split.
- (f) Projected future motorized and non-motorized traffic volumes.
- (g) An assessment of the change in roadway operating conditions resulting from the development traffic.
- (h) Recommendations for Site access and transportation Improvements needed to maintain and/or improve motorized and non-motorized

traffic flow to, from, within, and past the Site at an acceptable and safe Level-of-Service.

- (i) Transit location, availability of bike routes, connection to a park and/or trail system.
2. The analysis shall be presented in a straight forward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
3. The recommendations shall specify the time period within which the Improvements should be made (particularly if the Improvements are associated with various Phases of the development construction), and any monitoring of operating conditions and Improvements that may be required. The commendations shall also identify who will be responsible for making the Improvements.
4. Data shall be presented in tables, graphs, maps, and diagrams wherever possible for clarity and ease of review.
5. To facilitate examination by the Sadsbury Township, an executive summary of one or two pages shall be provided, concisely summarizing the purpose, conclusions, and recommendations.
6. The study documentation outlined above provides a framework for Site traffic access/impact study reports. Some studies will be easily documented using this outline. However, the specific issues to be addressed, local study requirements, and the study results may warrant additional sections.

7.1.3 Improvements.

A. Responsibility for Improvements

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

B. Coordination with Municipal Requirements

The Applicant shall be responsible for other Improvements related to the results of the traffic impact study as may be agreed to with Sadsbury Township or which are required by the Municipal impact fee ordinance to be installed or paid for by the Applicant consistent with provisions of the Pennsylvania Municipalities Planning Code.

SECTION 7.2

RESERVED FOR FUTURE USE

SECTION 7.3 PARKS AND OPEN SPACE

7.3.1 Dedication

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

7.3.2 General Requirements

When Sadsbury Township has an officially adopted park and recreation Plan or qualifying Municipal Comprehensive Plan, Applicants shall designate areas of residential Subdivisions or residential Land Developments for parks, playgrounds, or other public open space and recreational uses in accordance with the provisions of such Plans. The Applicant shall make an irrevocable offer of Dedication for such land to the Sadsbury Township, as required by the Supervisors. Title to such land shall be good and marketable, free of liens or other defects, and acceptable to the Municipal Attorney. The Supervisors may, upon agreement of the Applicant, authorize the transfer of the land to a homeowner's association or to a non-profit corporation whose purpose is the conservation or preservation of land.

7.3.3 Amount of Land to be Dedicated

- A. The amount of park and open space land to be dedicated shall be equal to, and in conformance with, standards adopted by the Supervisors as expressed in the officially adopted park and recreation Plan or qualifying Municipal Comprehensive Plan.
- B. If the applicable Plan specifically designates a future park site within the acreage of the Tract proposed for development, all Subdivision Plans shall be designed in conformance with such designation in that all land required to be dedicated shall correspond to the location of the future park site.
 - 1. Should the amount of land required to be dedicated exceeds the acreage of the future park site as designated within the applicable Plan, the development proposal shall provide for such additional area to be located in a manner that best serves future residents of the proposed development.
 - 2. Should the amount of land required to be dedicated falls short of the acreage of the future park site as designated within the applicable Plan or if the proposed development involves only a portion of the development rights afforded to the Tract, the Applicant shall reserve that portion of the future park site which will best serve the immediate development. In addition, a Sketch Plan shall be prepared to depict how full build-out of

the Site will be accomplished in a manner that respects the location of the future park site and ensures its accessibility to all future dwellings on the Tract. As an alternative to such piecemeal Dedication, Sadsbury Township may opt to purchase that portion of the future park site. In which case, the future Dedication of land associated with the development of the Tract would proceed in accordance with the provisions of Section 7.3.9.

7.3.4 Fee in Lieu of Dedication

The Applicant may, with the consent and approval of the Supervisors, elect to pay a fee to Sadsbury Township in lieu of the park and open space Dedication and so note on the plans.

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

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

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

- B. The Applicant shall provide the Supervisors with all information necessary to determine the fair market value of the land, including, but not limited to, the following:
1. If the Applicant is the equitable owner, or purchased the land in fee simple less than two (2) years prior to the Preliminary or Final Plan submission, a copy of the agreement of sale or real estate transfer tax affidavit of value.
 2. If the Applicant is the equitable owner, or purchased the land in fee simple more than two (2) years prior to the Preliminary or Final Plan submission, an opinion of value of the property by a state certified appraiser acceptable to the Supervisors.

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

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

7.3.5 Parkland Acquisition Fund

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

7.3.6 General Design Criteria

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

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

- A. The park and open space land shall be reasonably located so as to serve all of the residents of the Subdivision or Land Development.
- B. The park and open space land shall be accessible from a Street either directly or by pedestrian connection or shall adjoin and become a part of an already existing public park or open space area that is accessible from a Street. Where access to the park is by public road, the width of the Frontage shall be a minimum length deemed necessary by Sadsbury Township for access, visibility of the Site, and public safety.
- C. No more than twenty-five percent (25%) of the park and open space land shall contain Detention Basins or other Storm Water Management Facilities, or be located within a Floodplain or Wetland unless such area is part of a linear trail or green way along an existing Watercourse. In all cases, land containing Detention Basin or other Storm Water Management Facilities, Floodplains, or Wetlands, must be suitable for public recreation use without compromising the function of these areas.
- D. The park and open space land shall be compact and Contiguous unless the land is located adjacent to and combined with existing park and open space land, or specific topographic features require a different configuration. An example of such topographic features would be the provision of linear public open space along a scenic creek.

- E. When public park and open space land exists adjacent to the Tract to be subdivided or developed, the park and open space land shall be located to adjoin and enlarge the presently existing park and open space land.
- F. The park and open space land shall be accessible to utilities such as sewer, water, and power that are provided within the Subdivision, and if so, the Developer shall extend such utilities to the park and open space land.
- G. If the Developer is planning to construct facilities for recreation on the dedicated property as an amenity for the development, such facilities shall be constructed in accordance with current standards established by the National Recreation and Park Association. Where applicable, facilities constructed shall also comply with the accessibility guidelines of the Americans with Disabilities Act of 1990. Playground equipment constructed or placed on parkland shall be in compliance with guidelines from the Consumer Products Safety Commission.

7.3.7 Existing Trails

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

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

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

7.3.8 Trails and Linear Parks

The trail or linear park shall conform to any applicable Municipal master park and open space Plan, any County-wide trail and recreation master Plan, and appropriate Municipal and County Comprehensive Plans. The Supervisors may require, as a condition of Final Plan approval, the Dedication and Improvement of trails and linear parks, which may be credited toward the park and open space land requirement. Trails and linear parks developed and dedicated for public use may be credited toward the park and open space land requirement.

7.3.9 Municipal Fund Reimbursement

Sadsbury Township may from time-to-time decide to purchase land for parks in or near the area of actual or potential development. If Sadsbury Township does purchase park

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

7.3.10 Additional Recreation Reservations

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

7.3.11 Private Reservation of Land

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

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

7.3.12 Construction of Recreation Facilities

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

SECTION 7.4 HYDROGEOLOGIC REPORT

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

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

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

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

SECTION 7.5 AQUIFER STUDY

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

in proximity to areas of known groundwater contamination or problems, in areas of known inadequate yields of potable water supplies, or a hydrogeologic report was completed on Site, an aquifer study shall be performed.

A. Areas of Known Ground Water Problems

Areas of known ground water problems shall include:

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

B. Aquifer Study Standards and Procedures

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

1. Water Quantity Report

(a) Water Quantity Test Standard.

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

- (i) For wells with yields of 4 gallons per minute or less, a minimum of 400 gallons of storage capacity shall be provided. Borehole storage shall be measured from the pump level to the top of the static water column.
- (ii) Multiple wells may be dug on the Lot and the combined yield of the well system shall meet the minimum of 1 gallon per minute.

(b) Test Supervision and Evaluation.

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

(c) Test Method.

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

(d) Collection of Data.

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

1. Prior to the test:

- (i) Collection of geologic data of the area to be tested including well logs, if available.

- (ii) History of water level fluctuations in the area when available.
 - (iii) The location, relative Elevations and static water levels in the pumped well and the observation well or wells.
 - (iv) The expected discharge of the pumped well.
 - 2. During the test: A standard aquifer test field data sheet will be required for a pumped well and each observation well. The data sheet shall include columns for listing:
 - (i) Date
 - (ii) Clock time
 - (iii) Elapsed time since pumping started/stopped (in minutes and seconds).
 - (iv) Depth to water below land surface.
 - (v) Drawdown or recovery (in feet and 10ths).
 - (vi) Observed discharge at specified intervals.
 - 3. Following the test: In accordance with recognized principles of well hydraulics, graphs shall be prepared to show time drawdown and time recovery for the pumped well and the observation wells. A distance drawdown graph will be required for anticipated rates of pumping. Computation of the coefficients of transmissibility and storage as well as the rate of pumping, time and drawdown are required as well as other data that may be considered necessary to satisfy the test objectives.
2. Water Quality Report.
- The water quality test shall be conducted concurrently with any water quantity test. Such tests shall be conducted by a certified laboratory.
- Test Standard.
- (a) All water samples to be tested must be drawn by a trained PA DEP-certified laboratory employee, a well driller contractor, or pump installation contractor.

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

ARTICLE 8 DESIGN STANDARDS

SECTION 8.1 GENERAL

8.1.1 Minimum Standards and Requirements

- A. The standards and requirements contained in this Article shall apply as minimum design standards for Urban Subdivisions and/or Land Developments, as defined in Section 2.2.
- B. If Land Development information indicates that existing improvements on the Subject Tract do not meet the requirements of this Section, then existing improvements on the Subject Tract must be designed and proposed to meet the requirements of this Ordinance. When the Land Development will utilize or be integrated into existing infrastructure, the existing infrastructure on the Subject Tract shall be improved to the standards of this Ordinance.

8.1.2 Compliance with Municipal Ordinances Required

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

8.1.3 Zoning Approvals Required Prior to Plan Submission

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

SECTION 8.2 STREETS, ACCESS DRIVES, AND DRIVEWAYS

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

8.2.1 General Arrangement

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

- A. The alignment of Streets shall conform to the circulation plan of the municipal Comprehensive Plan, to Official Maps, and to such municipal, County and State road and highway plans as have been duly adopted.

- B. For Streets not shown on the circulation plan or Official Map, the arrangement shall take into account existing Topography and other Site constraints when providing for the appropriate extension of existing Streets.
- C. Local Streets shall be arranged so as to discourage excessive speeds when their function is to remain local.
- D. Streets shall be designed with drainage grates that are safe for crossing by bicycles or horse-drawn vehicles.
- E. Curvilinear Streets and Cul-de-sacs should be utilized only where Topography and natural features dictate them on the Site, and where their use will be consistent with adjoining development patterns. Curvilinear Streets shall not be used immediately adjacent to an existing grid Street system without providing a transition that continues and protects the grid. Cul-de-sacs shall not be used where it is possible to provide grid pattern Streets that provide better access for emergency vehicles, fewer restrictions for snow removal and improved pedestrian access. New project Street systems, platted adjacent to an existing Street system, shall not be merely looped back on Local Streets, but shall connect with or be designed to connect with, in the future, Streets of a higher class. Consideration shall be given to the dispersal of traffic from commercial and employment centers, and to the ultimate functioning of the Street system and regional transportation network.
- F. Streets shall be laid out to provide convenient and safe access to the property. Where appropriate, the Supervisors may require additional cartway improvements and/or Right-of-Way width along existing Street Frontages to accommodate the anticipated traffic increases and to facilitate vehicular turning movements to and from individual Lots.
- G. Where a development abuts an existing or proposed Arterial Street, the Supervisors may require access management techniques such as the use of marginal access Streets, Reverse Frontage Lots, or other such treatment that will provide protection for Abutting properties, reduce the number of intersections with the Arterial Street, and separate the local and through traffic.
- H. Street lengths shall be minimized as to promote the most efficient Street layout while still protecting the natural, cultural, and historical environment.
- I. The use of permeable pavement is encouraged on sidewalks, plazas, driveways, parking lots, and low-traffic roads. Permeable pavement shall not be located on industrial Sites, fueling stations, Sites with expansive soils or high depth to bedrock, areas draining to the permeable pavement greater than 5 acres, areas with the water table less than two feet below the bottom of the pavement base, and less than 100 feet from drinking wells.

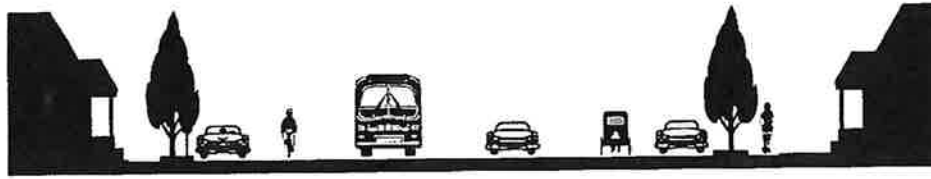
8.2.2 Street Hierarchy

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

8.2.3 Determination of Required New Street Design Standards.


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

URBAN



CL									
4+'	0-8'	0 or 7'	2-8'	9-12'	9-12'	2-8'	0 or 7'	0-8'	4+'
side-walk	buf*	parking lane	multimodal lane	travel lane	travel lane	Multimodal lane	parking lane	buf*	side-walk


 18-54 foot CARTWAY


 21-72 foot RIGHT-OF-WAY

* Buffer areas and shoulders are encouraged but not required.

** Pedestrian Ways are required in Rural Centers

A. Travel Lanes

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

Miles per Hour	Under 400 ADT	401 to 1500 ADT	1501 to 2000 ADT	Over 2000 ADT
15	9 ft. travel lane	10 ft. travel lane	10 ft. travel lane	11 ft. travel lane
20	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
25	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
30	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
35	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
40	9 ft. travel lane	10 ft. travel lane	11 ft. travel lane	12 ft. travel lane
45	10 ft. travel lane	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane
50	10 ft. travel lane	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane
55	11 ft. travel lane	11 ft. travel lane	12 ft. travel lane	12 ft. travel lane
* derived from AASHTO as amended				

B. Non-Motorized Multimodal Travel Lanes

- Non-motorized travel lanes shall be provided for all Collector and Arterial Streets when identified by the municipal long range plan.

2. Non-motorized travel lane requirements shall vary according to the speed of the Streets.
 - (a) For a posted speed limit of twenty-six to thirty-five (26 – 35) miles per hour, four (4) foot Multimodal lanes shall be provided.
 - (b) For a posted speed limit of thirty-six to forty-five (36 – 45) miles per hour, six (6) foot Multimodal lanes shall be provided.
 - (c) For a posted speed limit of greater than forty-five (45) miles per hour, eight (8) foot Multimodal lanes shall be provided.
3. Drainage grates shall be bicycle and buggy safe.

C. Curbs, Gutters, and Swales

1. In Urban Growth Areas Curbing shall be required to meet any of the following:
 - (a) Curbing shall be required to meet any of the following:
 1. Storm Water management.
 2. Road stabilization.
 3. Ten (10) feet on each side of drainage inlets.
 4. At intersections.
 5. At corners.
 6. At tight radii.
 - (b) Drainage Swales in place of curbing may be used when all of the following can be shown:
 1. Soil and/or Topography make the use of drainage Swales preferable.
 2. It is in the best interest of the community to preserve its existing character by using drainage Swales instead of curbs.
 3. Curbing would negatively impact a cohesive Storm Water management best management design (BMP).
2. In Rural Areas Drainage Swales / gutters shall be used. Curbing in place of drainage Swales / gutters may be used when the following can be shown:

- (a) For Storm Water management control.
 - (b) At intersections providing pedestrian handicap ramps.
 - (c) At all Building entrance points which front on parking lots when wheel stops are not provided.
 - (d) When connecting to existing curbing.
3. Flexibility regarding curb type shall be permitted as long as the curb type accommodates the system of drainage proposed.
 4. Curbing shall be designed to provide a ramp cut at each intersection, at the principal entrances to Buildings which front on parking lots, and at all crosswalks.

D. Buffer Area

Signage and Street trees shall generally be located within the Buffer area of the Right-of-Way. Buffer areas shall be planted with grass, ground cover, or treated with other suitable Pervious Material. See Section 8.102.3 for Street tree standards. When Buffer Areas are provided, they shall be a minimum of 4 feet wide with 8 feet preferred when planted with trees. Buffer areas may be eliminated when a wider Pedestrian Way is provided.

E. Rights-of-way

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

F. Vertical Street Alignments

1. Vertical curves shall be used in changes in grade exceeding one percent (1%).
2. Alignment:
 - (a) Vertical Street and Access Drive alignments shall be measured along the centerline.

- (b) Minimum Rate of Vertical Curvature K shall be as specified below:

Initial Speed (mph)	Curvature, K ¹ (ft/%) Crest	Curvature, K ¹ (ft/%) Sag
15	3	10
20	7	17
25	12	26
30	19	37
35	29	49
40	44	64
45	61	79
50	84	96
55	114	115
1 Rate of vertical curvature, K = length of curve (L) per percent algebraic difference (A) in the intersection grades ($K=L/A$)		

3. Grade:
- (a) The minimum grade shall be 1%.
 - (b) The maximum grade shall be 8%.
 - (c) Where the approaching grade is seven (7%) percent or greater, a leveling area shall be provided within seventy-five (75) feet of a four-way Street intersection on the Street of lesser classification, or Access Drives, or the terminating Street at a three-way intersection.
 - (d) Such leveling area(s) shall have a maximum grade of four percent (4%) for a minimum length of forty (40) feet measured from the intersection of the centerlines.

G. Horizontal Street Alignments

1. Horizontal curves shall be used at all angle changes in excess of two (2) degrees.
2. The design of horizontal curves shall be based on an appropriate relationship between design speed and curvature and on their joint relationships with superelevation (roadway banking). (The longer the radius of a curve, the higher the speed through that curve).

3. Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.
4. Access Drives intersections shall be designed to Local Street horizontal alignment standards.
5. Minimum Horizontal Curve Radius, for determination of minimum horizontal centerline radius.

Roadway Classifications	Minimum Centerline Radius (feet)
Local road	150
Collector roads	420
Arterial roads	As required by PennDOT

6. Superelevation shall be used as required by PennDOT Design Manual 2 latest edition or as required by AASHTO highway design requirements.

H. Street Intersections

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

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

2. Collector Streets

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

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

3. Arterial Streets

(a) A minimum separation distance of 600 feet between centerlines shall be provided.

4. The centerline of all streets shall intersect at right angles. No Street intersection Modification shall be granted at an angle of less than sixty (60) degrees.

5. Radius Return - The cartway edge at street intersections shall be rounded by a tangential arc with radii as follows:

- (a) When a local street intersects with another local street, it shall have a twenty-foot curb return radius.
 - (b) When a local street intersects with a collector street, it shall have a thirty-foot curb return radius.
 - (c) When a local street intersects with a PennDOT roadway, it shall have a minimum thirty-five-foot curb return radius.
 - (d) When a collector street intersects with a PennDOT roadway, it shall have a minimum thirty-five-foot curb return radius.
 - (e) The required radii for driveways which serve industrial or commercial properties shall be based upon the anticipated traffic volume and type of traffic that will access the site.
 - (f) The required radii for all non-local street intersections shall be based upon the anticipated traffic volume and the type of traffic that will access the development.
 - (g) When site conditions warrant, larger curb return radii shall be used. The curb returns at all intersections must be designed for the largest anticipated vehicle to turn without encroaching into the opposing lane line.
6. Where warranted by a traffic impact study, the Supervisors may require additional traffic lanes or additional Right-of-Way to facilitate vehicular turning movements at existing or proposed Street intersections within Subdivision or Land Development Plans.

I. Sight Distance at Intersections.

- 1. Proper Sight Distance shall be provided at all new Streets, Access Drives, and all Driveway intersections in accordance with the latest edition of the Pennsylvania Department of Transportation Design Manual - Part 2, Highway Design (Publication 13), and Section 2.18.F as amended. Sufficient design and plan information shall be submitted with the plan application proving that this minimum standard will be achieved. Such design information shall be sealed by a professional registered in Pennsylvania to perform such design work.
 - (a) Access Drive Sight Distance based on 10 foot off of edge of Cartway, an eye height of 3.5 feet to an object at 3.5 foot height.
 - (b) Street Sight Distance based on 15 foot off of edge of Cartway, an eye height of 3.5 feet to an object at 3.5 foot height.

2. Proper Sight Distance shall be provided for horse and buggies when non-motorized vehicle use is prevalent. Access Drive, Driveway, and Street Sight Distance shall be based on fifteen (15) feet (distance between the buggy driver and the horses head at the edge of Cartway) off the edge of Cartway, an eye height of 5.5 feet (height of a non-motorized driver) to an object at 3.5 foot height.
3. When stop control devices are not provided on the lesser Street classification or Access Drive, sight triangle Easements shall be provided. Sight triangle Easements include the area on each Street corner that is bounded by the line which connects the sight or "connecting" points located on each of the Right-of-Way lines of the intersecting Street. The planting of trees, other plantings, signs, and Structures exceeding thirty (30) inches in height that would obstruct the clear sight across the area of the Easements shall be prohibited.
 - (a) Arterial Streets shall have a Clear Sight Triangle side of 150 feet and a depth of 15 feet.
 - (b) Collector Streets shall have a Clear Sight Triangle side of 100 feet and a depth of 15 feet.
 - (c) Local roads, Cul-de-sacs, and Alleys shall have a Clear Sight Triangle side of 75 feet.
 - (d) Driveway and Access Drives shall have a Clear Sight Triangle side of 75 feet.

J. Cross Sectional Specifications

The paving of all new Streets and widening of existing Streets must conform to the following cross sectional specifications (all courses are compacted thicknesses) unless superseded by a road ordinance or zoning ordinance.

1. For new Streets or improvements to existing streets where exposure of Base Course to the elements will be less than 2 years before placement of Wearing Course.

***LOCAL ROADS (Pavement Designations less than 2 years of exposure)**

ID	DEPTH (inches)	COURSE DESCRIPTION	AGG.	PG	ESALS
I	1 ½"	S.A.M.D., HMA Wearing Course, SRL-H	9.5mm	PG 64-22	0.3 to < 3.0
III	6"	S.A.M.D., HMA Base Course	25 mm	PG 64-22	0.3 to < 3.0
IV	6"	PennDOT 2A Coarse Aggregate			
		S.A.M.D. Superpave Asphalt Mixture Design			

COLLECTOR & ARTERIAL ROADS (Pavement Designations less than 2 years of exposure)

ID	DEPTH (inches)	COURSE DESCRIPTION	AGG.	PG	ESALS
I	2"	S.A.M.D., HMA Wearing Course, SRL-H	9.5mm	PG 64-22	0.3 to < 3.0
III	8"	S.A.M.D., HMA Base Course	25 mm	PG 64-22	0.3 to < 3.0
IV	6"	PennDOT 2A Coarse Aggregate			
		S.A.M.D. Superpave Asphalt Mixture Design			

- (a) In the event the developer does not install the 1 ½" Wearing Course within 24 months of SAMD Base Course Material placement, the Township shall reserve the right to require the Developer to:
1. Remove and replace the Base Course Material in whole or in part,
 2. Add fabric, additional pavement thickness, or other construction methods to accommodate for degradation,
 3. Establish a 60 month maintenance bond guarantee in lieu of the standard 18 month maintenance bond, or
 4. Complete a combination of the above methods 1-3.
2. For new Streets or improvements to existing streets where exposure of Base Course to the elements will be greater than 2 years before placement of Wearing Course.

***LOCAL ROADS (Pavement Designation more than 2 years exposure)**

ID	DEPTH (inches)	COURSE DESCRIPTION	AGG.	PG	ESALS
I	1 ½"	S.A.M.D., HMA Wearing Course, SRL-H	9.5mm	PG 64-22	0.3 to < 3.0
II	2"	S.A.M.D., HMA Base Course	19.5 mm	PG 64-22	0.3 to < 3.0
III	4"	S.A.M.D., HMA Base Course	25.0 mm	PG 64-22	0.3 to < 3.0
IV	6"	PennDOT 2A Coarse Aggregate			
		S.A.M.D. Superpave Asphalt Mixture Design			

COLLECTOR & ARTERIAL ROADS (Pavement Designation more than 2 years exposure)

ID	DEPTH (inches)	COURSE DESCRIPTION	AGG.	PG	ESALS
I	2"	S.A.M.D., HMA Wearing Course, SRL-H	9.5mm	PG 64-22	0.3 to < 3.0
II	3"	S.A.M.D., HMA Base Course	19.5 mm	PG 64-22	0.3 to < 3.0
III	5"	S.A.M.D., HMA Base Course	25.0 mm	PG 64-22	0.3 to < 3.0
IV	6"	PennDOT 2A Coarse Aggregate			
		S.A.M.D. Superpave Asphalt Mixture Design			

8.2.4 Pedestrian Way.

A. Trails

- Trail width shall be a minimum of four (4) feet.
- Easements ten (10) feet wide are required for trails. Provide a plan note indicating such Easement must be five (5) foot on either side of the centerline of the trail as constructed.
- Encroachments into the trail shall not result in less than a 4 foot wide minimum clearance width from any obstacles.
- Marked crosswalks shall be provided within the vehicular travel ways intersecting with trails.
- Provide a plan note referencing maintenance responsibility of the pedestrian trail.
- Pedestrian trails shall connect to an access point.

B. Sidewalks

- Paved sidewalks shall be provided on both sides of a new Street in the Village Growth Areas and Urban Growth Areas.
- Sidewalk widths shall be a minimum of five (5) four (4) feet.
- Where possible, sidewalks should be sloped towards adjacent pervious surfaces, not adjacent Impervious Surfaces.
- Encroachments into the sidewalk shall not result in less than a 4 foot wide minimum clearance width from any obstacles.
- Sidewalks shall not exceed a cross slope of two percent (2%).

6. Ramp cuts shall be located at all sidewalks intersecting with vehicular travel ways.
7. Marked crosswalks shall be provided within the vehicular travel ways intersecting with sidewalks.
8. All sidewalk and curb ramps shall meet all current ADA and PennDOT RC-67M requirements. The location and ramp type should be shown on the plans. Provide a note to indicate that the contractor is responsible to install the curb ramps, sidewalk and driveway aprons to the latest ADA or PennDOT standards at the time of construction.
9. The detectable warning surface for curb ramps within the public right-of-way shall be constructed from removable panels. The panel's manufacturer shall be as specified by the Township. The panels shall be provided and installed according to the manufacturer's specifications and shall meet all applicable PennDOT and ADA requirements.
10. The property owner shall be responsible for the maintenance of sidewalk along the frontage of their property.

8.2.5 Lot Access

- A. The Supervisors may require an Applicant to provide Reverse Frontage Lots on the Collector and/or Arterial roads and reduce the number of access points through access management for the development.
- B. The Supervisors may require the Applicant to provide ingress and egress to a particular Lot or Tract through the remainder of a property or other properties over which the Applicant has control by the following:
 1. A temporary Cul-de-sac designed for access to any adjoining property or for phased development.
 2. Provision of access to existing nonconforming Lots which have no Frontage on a public or Private Street.
- C. A Highway Occupancy Permit is required for each access point onto a State road or highway.
- D. All Lots shall front on a public or a private Right-of-Way. If the Subject Tract has no current Street Frontage, Lots may be further subdivided subject to zoning regulation, from the Subject Tract if the following conditions are met:
 1. The access to the subject Lot must be approved by Sadsbury Township and/or the Pennsylvania Department of Transportation.

2. The Tract must be located within the agricultural zone and the Subdivision must be intended to create another farm Lot that meets the agricultural minimum Lot size for a farm.
- E. Prior to the use and occupancy of a Lot, each Lot or dwelling unit shall be provided with a Street number assigned by the Sadsbury Township and approved by the Lancaster County-Wide Communications. The Street number shall be visible from the Street. Where a Lot contains multiple building or dwelling units, each building and dwelling unit shall be identified so that emergency services can easily identify the location of every Building and dwelling unit in a time of emergency.

8.2.6 Street Provisions for Future Developments

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

8.2.7 Driveways

- A. Driveways must be designed in conformance with the Sight Distance specified in this ordinance.
- B. Driveway access to a Street shall not be located less than twenty five (25) feet from the edge of the Cartway of the intersecting Street on the same side.
- C. Driveway access to Lots shall be provided to the Street of lesser classification.
- D. To maintain good access management in the Street network, when a Driveway intersects with a Collector or Arterial Street, joint, shared use, or Reverse Frontage Driveways should be encouraged when such design would increase traffic safety by decreasing the potential for vehicular conflicts.
- E. Driveways shall be paved for a distance of twenty (20) feet from the edge of the Cartway. In Urban Areas

- F. Leveling areas shall be provided a minimum of ten (10) feet from the edge of Street Cartway with a maximum slope of 8%.
- G. Shared or joint Driveways must meet the follow standards:
 - 1. Shared driveways shall be used only for four (4) or fewer dwelling units.
 - 2. Driveways shall be designed to decrease the potential for vehicular conflicts.
 - 3. An Easement agreement shall be provided and recorded that indicates the rights of ownership, access, and maintenance. Sadsbury Township is not responsible to settle conflict issues with joint or shared Driveways.

8.2.8 Access Drives

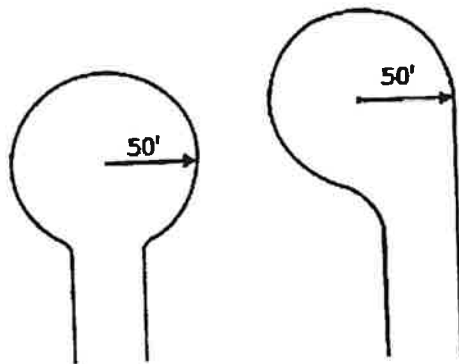
- A. Any property that utilizes an Access Drive shall have Frontage along a public or private Right-of-Way.
- B. The plan shall note that the Access Drive does not qualify for Dedication to Sadsbury Township and that the Landowner assumes all responsibility for its maintenance.
- C. Access Drives shall be designed for their intended function. All travel lanes shall be a minimum of eight (8) feet wide; however, sufficient design information must be submitted to indicate that the number of travel lanes and width proposed have been designed to accommodate the anticipated traffic to and from the development.
- D. Parking shall be permitted when sufficient Cartway width is proposed. See Section 8.3, Parking Standards.
- E. Access Drives shall maintain a centerline separation distance of one hundred and twenty-five (125) feet from all other Access Drives and Streets. Access Drive intersections with other Access Drives within the Site shall not be subject to such restrictions.
- F. Proper Sight Distance shall be provided at Access Drive intersections with existing public and Private Streets according to this ordinance.

8.2.9 Single Access / Cul-de-sac Streets

- A. To the greatest extent possible, through Streets shall be provided. The feasibility of a through Street will be based on the physical features of the Tract proposed for development and/or Adjoining Lots, the potential for extension of the Street to adjoining lands based on existing development patterns, restrictions imposed by other government regulations and other recorded documentation, and the ability of the design to meet all other requirements of this Ordinance. When single

access / Cul-de-sac Streets are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through Street would not be desirable.

- B. The length of a Cul-de-sac Street shall be measured from the centerline intersection with the through Street to the center point of the turnaround.
- C. All Cul-de-sac Streets shall have a minimum length of two hundred and fifty (250) feet. Temporary Cul-de-sac Streets shall not have a minimum length.
- D. Permanent Cul-de-sac Streets shall be designed to serve a maximum of two hundred and fifty (250) ADT for residential development and a maximum of five hundred (500) ADT for non-residential development.
 - 1. Permanent Cul-de-sac's may be extended beyond above referenced ADT for the following justification provided; 1) the Cul-de-sac is a boulevard construction or 2) the adjacent land is 100% built-up.
- E. Any temporary Cul-de-sac Street designed for access to an adjoining property or for authorized phased development and which is greater than one Lot deep shall be provided with a temporary all-weather turnaround. The use of such turnaround shall be guaranteed to the public until such time as the Street is extended. Sidewalks along temporary Cul-de-sacs must be continued at the same time that the Street is continued.
- F. Restoration to the temporary Cul-de-sac paved areas and sidewalk system within the Right-of-Way shall be the responsibility of the Developer.
- G. Permanent Cul-de-sacs with a circular turnaround shall be paved, have a minimum radius of fifty feet (50).



8.2.10 Street Names

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

8.2.11 Traffic Signs.

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

8.2.12 Dwelling Unit Identification

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

8.2.13 Underground Wiring

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

SECTION 8.3 PARKING FACILITIES

8.3.1 Motorized Vehicle Parking Facilities

A. Motorized vehicle parking facilities shall be designed to meet the following requirements:

1. Parallel parking shall be a minimum width of seven (7) feet and a minimum length of twenty three (23) feet.
2. Perpendicular parking shall be a minimum width of eight feet, six inches (8'6"), a minimum length of eighteen (18) feet, and have a minimum aisle width of twenty (20) feet. The parking lot must have a minimum total width of sixty (60) feet from side to side.
3. Parking space length and width can be increased from minimum sizes where appropriate in accordance with location, use, and turn-over rate.
4. Encroachments such as columns and light poles may encroach into a module by one (1) foot and affect up to thirty percent (30%) of the parking spaces.
5. Parking lots shall be designed to meet the following requirements:

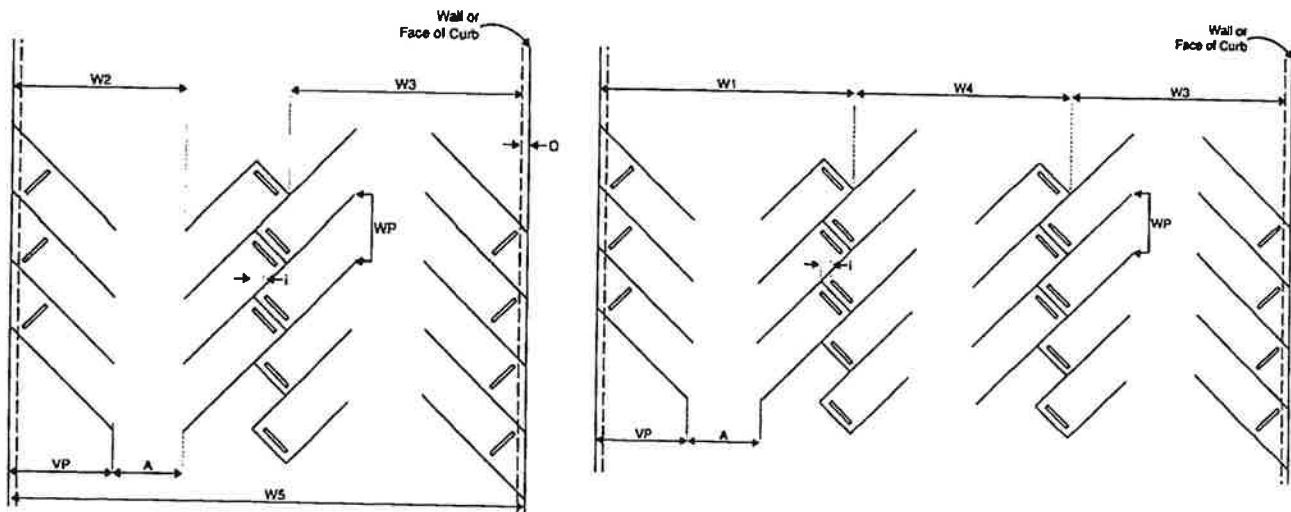
Angle	Vehicle Projection	Minimum Aisle	Min. Base Module ¹	Single Loaded	Wall to Interlock	Interlock to Interlock	Curb to Curb	Overhang	Interlock ² Reduction	Stall Width Projection ² Minimum
	VP	A	W1	W2	W3	W4	W5	o	i	WP
45°	VP	A	W1	W2	W3	W4	W5	o	i	WP
50 °	17'8"	12'8"	48'0"	30'4"	45'0"	42'0"	44'6"	1'9"	3'0"	12'0"
55 °	18'3"	13'3"	49'9"	31'6"	47'0"	44'3"	45'11"	1'11"	2'9"	11'1"
60 °	18'8"	13'8"	51'0"	32'4"	48'7"	46'2"	46'10"	2'1"	2'5"	10'5"
65 °	19'0"	14'6"	52'6"	33'6"	50'4"	48'2"	48'2"	2'2"	2'2"	9'10"
70 °	19'2"	15'5"	53'9"	34'7"	51'11"	50'1"	50'1"	2'3"	1'10"	9'5"
75 °	19'3"	16'6"	55'0"	35'9"	53'7"	52'2"	52'2"	2'4"	1'5"	9'1"
90 °	19'1"	17'10"	56'0"	36'11"	54'11"	53'10"	53'10"	2'5"	1'1"	8'10"
45°	18'0"	20'0"	60'0" ³	42'0"	60'0"	60'0"	60'0"	2'6"	0'0"	8'6"

¹Module is defined as the combined dimension of two parked vehicles and the aisle between them.

²Calculated for 8'6" stall.

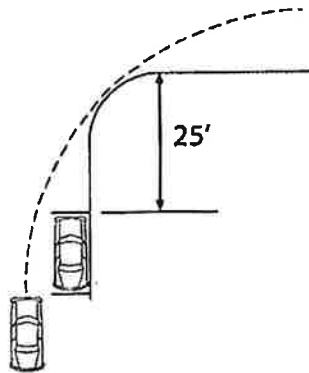
³Base width may not be waived.

⁴Parking dimensions for based on design vehicles of 6'7" x 17'0".



B. General Parking Standards.

1. Angled parking may be pull in or reverse (back-in).
2. Parking spaces for the physically handicapped shall meet the Americans with Disabilities Act (ADA). In Urban Growth Areas handicapped parking shall be provided for all non-residential developments and multi-family Structures and shall be located closest to the accessible Building entrance(s).
3. Off-Street parking areas shall be oriented to, and within a reasonable walking distance of, the Buildings they are designed for and consistent with adjacent neighborhoods.
4. On-Street parking shall be encouraged in all Rural Centers. In Urban Growth Areas parked vehicles adjacent to sidewalks shall not overhang or extend over the sidewalk in a manner that restricts pedestrian circulation. Where such overhang is not restricted by a wheel stop or other device, sidewalks shall have a four (4) foot minimum clearance width from any obstacles.
5. On-Street parking shall not be located within twenty five (25) feet of a Cartway intersection in order to provide safe Sight Distance and adequate turning radius for large vehicles.



6. Not less than a two (2) foot radius of curvature shall be permitted for horizontal curves in parking areas.
7. All dead end parking lots shall be designed to provide sufficient back-up area for all end stalls.
8. Painted lines, arrows, and dividers shall be provided and maintained to control parking, and when necessary to direct vehicular circulation.
9. The typical cross section of any parking compound shall be prepared to meet the following minimum standards:

(a) Non Permeable

Crushed aggregate based course with a minimum thickness of six (6) inches, as specified in the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent. Pavement shall consist of a minimum of one and one-half (1-1/2) inches of binder courses and one (1) inch wearing surface. Material shall be equal or superior to Pennsylvania Department of Transportation Specifications for

Bituminous Surface Course ID-2 and shall be applied in accordance with the Pennsylvania Department of Transportation Specifications, Form 408, and its latest revisions, or other Pennsylvania Department of Transportation approved equivalent.

(b) Permeable Pavement

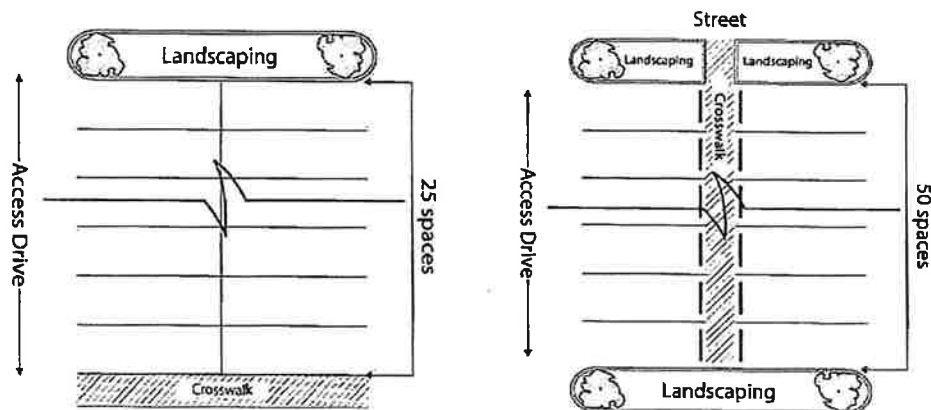
Permeable pavement is encouraged but not required. Permeable pavement shall not be located on heavy industrial Sites, fueling stations, Sites with expansive soils or shallow depth to bedrock, areas draining to the permeable pavement greater than five (5) acres, areas with the water table less than two feet below the

bottom of the pavement base, and less than one hundred (100) feet from drinking wells. Permeable pavement includes paving units, porous asphalt pavement, or porous concrete (using single-sized aggregate and low water content); uniformly graded stone aggregate with void space; filter fabric lining the subsurface beds; and non-compacted (or hand compacted) subgrade. Permeable pavement shall consider the infiltration rate of the soil subgrade under the base. Constant supervision during construction is encouraged as sediment must be kept from the aggregate base.

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

C. Parking Standards Urban Growth Areas Only

1. Parking areas shall be suitably landscaped to minimize noise, Glare and other nuisance characteristics as well as to enhance the environment and ecology of the Site and surrounding area. Parking garages and roof parking shall be exempt from this requirement.
2. Parking lots containing more than fifty (50) spaces shall be broken down into sections, not to exceed fifty (50) spaces, separated from other sections by landscaped dividing strips, berms and similar elements. Parking garages and roof parking shall be exempt from this requirement.



3. Pedestrian scale lighting shall be provided.
4. A minimum of seventy-five (75%) percent of the off-Street parking provided must be located within the side and/or rear of the Structure(s) to be served. Where appropriate, no more than twenty-five (25%) percent of the required parking may be located in front of the Structure(s). On-Street

parking on any side of the Structure may be counted toward the percentage of parking required to be located within the side or Rear Yard.

5. Sidewalks/pedestrian Easements shall be provided for pedestrian circulation. All development shall incorporate a sidewalk between the Building and the Street.
6. Lighting per Section 8.11 shall be provided.
7. Landscaping shall be required and located in unusable parking or circulation areas with proper clearance from parked vehicles and sidewalks. Planter areas and tree wells should be installed in accordance with the parking lot dimension to avoid adverse impacts on parking functions due to improper location and/or design.

D. Parking Structures Urban Growth Areas Only

1. Lighting and reflective materials / flat paint should be used inside the parking Structure and within all pedestrian areas to increase the feeling of safety. Glossy or semi-gloss paint is discouraged.
2. Parking lot lighting shall address Glare control, light pollution (unnecessary light), Light Trespass (bright visible sources or light spilling into neighboring properties), and reduction of shadows.
 - (a) Provision for energy conservation to mitigate over-lighting is encouraged. A maximum lighting power density of zero point three (0.3) watts per square foot is encouraged.
3. Provision of signage at exits of the parking Structures shall be required.
4. Open-Structure wall areas for natural ventilation or mechanical ventilation shall be encouraged.
5. Interaction between vehicles and pedestrians should be provided in a safe manner.
6. Traffic flow by vehicles entering the parking garage shall be mitigated by either on Site or external deceleration lanes based on the traffic impact study if required.

8.3.2 Non-Motorized Vehicle Parking Facilities

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

A. Bicycle Parking Facilities

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

1. Each bicycle space shall be equipped with a device to which a bicycle frame and one (1) wheel can be attached using a chain or cable. There shall be adequate separation between adjacent devices to allow bicycles to be attached or removed without moving other bicycles. The devices shall also be suitable for use by bicycles not equipped with kickstands, and the appearance of the device shall be generally consistent with nearby urban design features.
2. Bicycle parking spaces shall be convenient to the Structure for which they are provided. They shall be visible from at least one (1) entrance to the Structure.
3. For every fifty (50) vehicular spaces required, three (3) bicycle parking spaces shall be provided, not to exceed a total of nine (9) required bicycle parking spaces.

B. Horse and Buggy Parking

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

1. Each horse and buggy parking area shall be equipped with a device to which the horse can be hitched. A hitching rail is acceptable.
2. In Urban Growth Areas, adequate signage shall be provided to direct horse and buggy circulation.
3. At least one horse and buggy parking facility should include a covered shelter/shed protected from the north and west (winter) winds.
4. In Urban Growth Areas, drinking water facilities for horses is recommended such as a bucket and hydrant.
5. Horse and buggy parking areas shall be located as to minimize conflicts with motorized vehicles.

SECTION 8.4 BLOCKS AND LOTS

8.4.1 Blocks (Urban Growth Areas Only)

- A. All Blocks that include residential dwellings shall have a maximum length of 1/4 mile or one thousand three hundred and twenty (1,320) feet.
- B. The design of any Block longer than one thousand three hundred and twenty (1,320) feet shall give special consideration to the requirements of fire protection,

pedestrian circulation, and utility service. The Township may require Easements as necessary for these purposes.

8.4.2 Lot Configuration (Urban Growth Areas Only)

The configuration of Blocks and Lots shall be based upon the minimum and maximum Lot Area requirements, salient natural features, existing improvements, proposed improvements, and the adjacent development pattern. Lot configurations should provide for flexibility in Building locations, while providing safe vehicular and pedestrian circulation. When possible, Lots with areas that are two (2) or more times the minimum requirements should be designed with configurations that allow for additional Subdivision.

8.4.3 Specific Lot Configuration Requirements

- A. In order to avoid jurisdictional problems, Lot Lines shall, wherever feasible, follow municipal boundaries rather than cross them.
- B. All Lots must front on a public or Private Street.
- C. Provisions for Future Subdivision
 - 1. Lots resulting from a proposed Subdivision that will be large enough to be further subdivided should be configured to facilitate such future Subdivision. Adequate Street Right-of-Way shall be provided as necessary. The Supervisors may require a Sketch Plan of such large Lots that indicates the potential future Subdivision is generally in conformance with the design standards of this Ordinance and the applicable zoning provisions.
 - 2. In Rural Areas when possible, Lots with areas that are two (2) or more times the minimum requirements should be designed with configurations that allow for additional Subdivision. The Board of Supervisors may require a Sketch Plan of such large Lots that indicates the potential future Subdivision is generally in conformance with the design standards of this Ordinance and the applicable zoning provisions. Sketch Plans shall not be recorded and are not binding to the Applicant.
- D. Lots shall not result in unsafe Driveway locations on public Streets.
- E. Flag Lots represent a viable design alternative under the following standards. Such cases, evidence shall be submitted to the Supervisors that documents the circumstances and demonstrates that the platting of Flag Lots shall not restrict the development potential and pattern of development of the Tract and adjacent lands.
 - 1. Adjacent Flagpoles shall be encouraged to share Driveway access points. More than four (4) adjacent Flag Lots shall be oriented to a common public or Private Street Right-of-Way, not Driveways.

2. Flag Lots are encouraged when Infill situations exist to achieve maximum densities.
 3. Flag Lots shall not be proposed in order to avoid construction of Streets. Flag Lots proposed to create Lots for home Sites where there is no potential for the construction of a public or Private Street must demonstrate that there is no potential to construct a Street due to: (a) severe topographic or other environmental constraints that limit the design of a Street; or (b) other factors inherent in the Site which make the construction of a public or Private Street impractical.
 4. The width of a Flagpole should be determined by the function of the Driveway, number of Lots served, setbacks, grading, and utility requirements.
- F. Double / Reverse Frontage Lots.
1. Residential Double Frontage Lots are only permitted when a reduction of Driveway intersections along a Street with a high volume of vehicular movements is desired or the maintenance of the integrity of a corridor is desired.
 2. Reverse Frontage Lots may be permitted when rear Alleys are proposed to provide vehicular access to Lots.
 3. All Double and Reverse Frontage Lots shall include an identification of the Frontage for use as a Street access.
 4. All Reverse Frontage Lots shall have within the Yard(s) that is/are adjacent to any Street Right-of-Way, other than the Street of vehicular access, an Easement running the entire width of the proposed Lot, across which there shall be no vehicular access.

SECTION 8.5 EASEMENTS

8.5.1 General.

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

8.5.2 Design Guidelines.

- A. To the fullest extent possible, Easements shall be centered on property lines.
- B. Nothing shall be placed, planted, set, or put within the area of an Easement that would adversely affect the function of the Easement.

- C. Indicate on the plans all proposed and existing Easements of record and indicate their location and width. All Structures located within the Easement shall be indicated. Note the recording information on the plan of record.
- D. To the fullest extent possible, utilities and pedestrian paths should be centered within an Easement. However, due to unexpected on-Lot conditions, utility and pedestrian locations may be flexible within the Easement.
- E. All utility companies are encouraged to use common Easements. Utility Easements shall be based on the width required by the utility authorities but shall have a minimum width of ten (10) feet. Utility Easements shall be located within the Street Right-of-Way or within the Building Setback Line.
- F. Where pedestrian access is provided outside of a Street Right-of-Way, pedestrian Easements shall have a minimum width of ten (10) feet.
- G. The Applicant shall reserve Easements where Storm Water or surface water management facilities exist or are proposed when located within the boundaries of the Subject Tract. The Applicant proposing to alter existing Storm Water Management facilities on adjacent and/or downstream properties shall obtain a temporary construction Easement and/or a permanent Easement and maintenance responsibilities shall be established, to the extent feasible.

When the proposed storm water management system will utilize or be integrated into an existing storm water collection or conveyance system, the existing facilities shall be improved to the standards of this Ordinance. The applicant shall determine the impacts of any proposed improvements of the existing system to downstream properties. If the improvements will cause adverse impacts on downstream properties, the applicant shall mitigate such impacts.

SECTION 8.6 SURVEY MONUMENTS AND MARKERS

8.6.1 Monuments Shown on Final Plan.

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

8.6.2 New Monuments.

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

- A. Two such Monuments shall be consecutive corners along Street rights-of-way and the third may be placed either on the boundary or internal to the Site.

- B. Longitude and latitude coordinates of the Monuments shall be shown on the recorded plan.
- C. All coordinates as depicted on the plan shall be based on the following:
 - 1. Horizontal datum shall be referenced to the Pennsylvania South Zone State Plane Coordinate System (NAD83).
 - 2. Vertical datum shall be referenced to NAVD 88.
- D. A computer readable point file including property lines, corners, rights-of-way, and Easements for the Site shall be submitted to Sadsbury Township prior to plan recordation.

8.6.3 Monument Materials.

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

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

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

8.6.5 Marker (Pin) Materials.

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

8.6.6 Certification of Monuments and Markers.

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

SECTION 8.7 SANITARY WASTEWATER DISPOSAL

8.7.1 Sanitary Wastewater Disposal

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

- A. The following types of sanitary Sewage Facilities can be considered.
 - 1. In Urban Growth Areas and Rural Centers
 - (a) Public Sewage System
 - (b) Private Community Sewage System.
 - (c) Community On-Lot Sewage System
 - (d) Individual On-Lot Sewage System
 - (e) Individual Sewage System
 - 2. In Rural Areas Outside Rural Centers:
 - (a) Individual Sewage Systems
 - (b) In order to promote the effective and efficient use of sewer systems and be environmentally sensitive, there shall be no extension of an existing sewer system outside Rural Centers. However, if a sewer exists within the Right-of-Way adjacent to a Site or within an Easement on the Site, then the development should, if practical, utilize the public or private Sewage Facility.
- B. When the project is within an area planned for sewer service by a municipal sewage facilities plan adopted pursuant to Act 537, the Board of Supervisors may require installation of a capped system within the road Right-of-Way. If required, the Township or authority shall inspect the capped system and accept Dedication.
- C. The applicant shall provide evidence of approval from the Pennsylvania Department of Environmental Protection prior to Plan recording.
- D. When connection to an existing Public Sewage System, Private Community Sewage System or Community On-Lot Sewage System is proposed, the application shall include a statement from the authority or organization providing such service that sufficient capacity to service the proposed development is available. Such notice shall be dated within twelve (12) months of the plan application. Extenders agreements shall be provided prior to Dedication.

- E. Approval by the authority or township of the Sewage Facilities shall be received and submitted to Sadsbury Township prior to Final Plan recording.
- F. Where on-Site sanitary wastewater disposal facilities are to be utilized, each Lot so served shall be of a size and shape to accommodate the necessary subsurface wastewater disposal system at a safe distance from Building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of DEP (Pennsylvania Department of Environmental Protection), as amended. If applicable, each Lot shall contain a suitable location for the installation of an initial individual on-Lot sewage system and to the extent that such technology requires such component under DEP regulations, shall also contain a suitable location for a replacement on-Lot sewage system. Testing by the sewage enforcement officer to prove that each Lot is suitable for on-Site wastewater disposal shall be completed prior to the submission of the Final Plan.
 - 1. The Applicant shall provide evidence of approval from the Pennsylvania Department of Environmental Protection prior to recording of the Final Plan.
 - 2. If the primary Sewage Facility fails, connection to a private secondary Sewage Facility shall occur as soon as available.
 - 3. Provide a note on the plan indicating any restrictions regarding nitrate plume easements created by the subdivision and land development plan.

SECTION 8.8 WATER SUPPLY

8.8.1 Intent

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

8.8.2 Design Guidelines

- A. The following types of water supply systems can be considered:
 - 1. In Urban Growth Areas
 - (a) Publicly owned community water supply systems.
 - (b) Privately owned community water supply systems.
 - (c) Individual well when a community water supply system is not accessible.
 - 2. In Rural Centers

- (a) Publicly owned community water supply systems
 - (b) Privately owned community water supply systems
 - (c) Private wells
- 3. In Rural Areas Outside Rural Centers
 - (a) Private wells
- B. Applicants shall submit to the Supervisors documentation in the form of a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission and/or private water utility authority that the project is located in an area served by a public utility and a statement that the utility has the capacity to serve the project at this time; or a cooperative agreement or an agreement to serve the project from a bonafide cooperative association of lot owners or from a municipal corporation, authority, or utility.
- C. Fire hydrants shall be provided whenever the water supply system contains sufficient capability or is planned to have such capability within two (2) years from the date of Final Plan approval.
 - 1. The location and kind of fire hydrant shall meet the specifications of the local municipal regulation.
 - 2. Fire hydrant location(s) shall be submitted prior to Final Plan approval.
- D. When a private well is proposed on the same Site as an on-Site privately owned Community Sewage System or an Individual Sewage System, a one hundred (100) foot buffer shall be provided around the well or more as required by DEP (Department of Environmental Protection). [If the Township wants additional agricultural protection from on-lot wells, please see the Pennsylvania State University Master Well Owner Network Recommendations]. Each Lot so served shall be of a size and shape to accommodate an adequate water quantity and quality.
 - 1. If the well is sited within one hundred (100) feet of the property boundary, the applicant must notify affected landowners, via certified mail, of the proposed encroachment of the buffer area. If the well is sited within one hundred (100) feet of zoned Agricultural land, the notification must explain that the isolation buffer may affect the agricultural nutrient management plan of the adjacent farm operation.
- E. When a new private water supply system is proposed for development, a copy of the approval of such system by the appropriate agency or utility company that provides the service shall be submitted with the Final Plan. Suitable agreements shall be established for the ownership and maintenance of such a distribution system.

- F. Prior to installation of any new privately owned community water supply system in areas or in proximity to areas of known groundwater contamination or inadequate yields of potable supplies, aquifer and water quality tests shall be performed pursuant to Section 7.5.

SECTION 8.9 HAZARDS ASSOCIATED WITH CARBONATE ROCKS

A. Hydrogeological Report Required

When, in the opinion of the Supervisors, there is a probable likelihood that a project will affect or be affected by carbonate geologic hazards the Supervisors shall require submission of a hydrogeological report pursuant to Section 7.4.

B. Specifications for Sanitary Sewer Systems

1. Development that in the opinion of the Supervisors that poses significant risks in stimulating the formation of sinkholes or in causing hydrologic connection of contaminated surface water with subsurface aquifers shall provide an aquifer test.
2. In Rural Areas, all Subdivisions and Land Developments with individual subsurface disposal systems (on-Lot systems) proposed shall provide an aquifer test.

C. Specifications for Storm Water Management Basins

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

SECTION 8.10 LANDSCAPING

8.10.1 Native and Invasive Planting

- A. Native Plant materials should be incorporated in all designs. The use of Native Plant material can help improve water quality, provide additional and improved wildlife habitat, and typically adapt to local conditions which then require less maintenance.
- B. Except as noted above, Non-Native Plants may be included in place of a Native Plant if it is not considered invasive and the plant does not introduce pests or diseases.
- C. The following is a list of invasive plants which may not be used in any planting schedule:
 1. Trees

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

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

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

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

5. Vines

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

* Species with cultivars that are known to be non-invasive may be acceptable within a planting plan.

8.10.2 Street Trees / Screening / Vegetative Buffering

- A. Any Landscaping should create, or be part of the process to create larger landscape patches and corridor ecosystems with larger interior areas and less edge areas. Connectivity to existing Landscaping shall be encouraged.
- B. In order to aid surveillance and minimize the potential for crime, planting shall also be sited, massed, and scaled to maintain visibility of doors and first floor windows from the Street and from within the development to the greatest extent possible. Planting patterns shall not obstruct sight lines or create isolated areas, especially near pedestrian walking paths.
- C. Off Street parking and storage of vehicles in Front Yards of commercial, industrial, and institutional Lots shall be screened at least fifty percent (50%) from the public Right-of-Way by vegetative Screening or fencing between three (3) and four (4) foot in height.
- D. Trash disposal areas, such as dumpster or compactor sites, shall be effectively screened so as not to be visible from off Site adjacent parking areas, roadways, or adjacent residential properties. Such areas shall be screened with a combination of architectural masonry (or fencing) and/or Landscaping with a height of at least six (6) feet.
- E. In Urban Growth Areas, urban open space areas should also include but not be limited to at least three (3) of the following:
 1. Seasonal planting areas
 2. Large deciduous trees

3. Seating
4. Pedestrian scale lighting
5. Gazebos or other decorative shelters
6. Play Structures for children
7. Natural environment areas
8. Recreational amenities
9. Trails

F. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANZIZ60, and current edition, as amended.

1. Provide a landscape plan note indicating that the top of the main order root (first large set of roots that divide from the trunk) shall be planted no lower than one (1) or two (2) inches into the soil.
2. Planting designs are encouraged to share planting space for optimal root growth whenever possible. Continuous planting areas vs. isolated planting boxes are encouraged.
3. No staking and wiring of trees shall be allowed without a maintenance note for the staking and wiring to be removed within one year of planting.
4. All Street trees shall be provided by the Applicant in accordance with the following standards:
 - (a) The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees within the Right-of-Way shall be subject to the approval of the authority that accepts ownership of the Street.
 - (b) All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - (c) The trunk caliper, measured at a height of six (6) inches above finish grade shall be a minimum of two (2) inches.
 - (d) Tree planting depth shall bear the same relationship to the finished grade as the top of the root ball or original grade of origin.

