Chapter 289: SUBDIVISION AND LAND DEVELOPMENT

ARTICLE I: General Provisions

§ 289-1-1. Short title.

This chapter shall be known and may be cited as the "Springettsbury Township Subdivision and Land Development Ordinance."

§ 289-1-2. Purpose and authority.

This chapter is adopted pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act 170 of December 21, 1988, P.L. 1329, Editor's Note: See 53 P.S. § 10101 et seq. as amended, for the purpose of the protection and promotion of safety, health and morals; to accomplish coordinated development; to provide for the general welfare by guiding and protecting amenities, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions; to guide uses of land and structures, type and location of streets, public grounds and other facilities; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; to promote the preservation of natural and historic resources; to promote small business development and foster a business-friendly environment; to encourage the revitalization of established areas; to permit the Township to minimize such problems as may presently exist or which may be foreseen; to provide for the harmonious development of the township by providing uniform standards and procedures for all subdivision and land development plans and to protect the health, safety, morals and general welfare of the citizens of the Township by guiding the development and growth of structures, types and locations of streets, open spaces and public grounds, recreation, proper traffic flows, light and air and the proper distribution of population.

§ 289-1-3. Application.

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

ARTICLE II: Definitions

§ 289-2-1. Intent.

The following words and phrases, as used in this chapter, shall have the meanings hereby ascribed thereto unless the context clearly indicates a different meaning.

§ 289-2-2. General usage.

A. The following words are defined in order to facilitate the interpretation of the chapter for administrative purposes and in the carrying out of duties by appropriate officers and by the Planning Commission.
B. Unless otherwise expressly stated, the following words shall, for the purposes of this Chapter, have the meaning herein indicated.
C. Terms not defined herein are as set forth in the Township's Zoning Ordinance or otherwise as defined by common usage.
D. Words used in the present tense simply imply the future tense.
E. Words used in the singular imply the plural.
F. The word "person" includes a partnership or corporation as well as an individual.
G. The word "shall" is to be interpreted as mandatory, the word "may" as discretionary and complied with unless waived.
H. The masculine includes the feminine.

§ 289-2-3. Specific words and phrases.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESS DRIVE — A private drive, other than a driveway, which provides for vehicular access between a street and a parking area, lodging area, drive-in service window or other facility within a land development.

ACCESS DRIVE, HIGH VOLUME – An access drive used or expected to be used by more than 1,500 vehicles per day. [67 PA Code Chapter 441]

ACCESS DRIVE, LOW VOLUME – An access drive used or expected to be used by more than 25 but less than 750 vehicles per day. [67 PA Code Chapter 441]

ACCESS DRIVE, MEDIUM VOLUME – An access drive used or expected to be used by more than 750 but less than 1,500 vehicles per day. [67 PA Code Chapter 441]

ACCESS DRIVE, MINIMUM USE – An access drive used or expected to be used by not more than 25 per day. [67 PA Code Chapter 441]

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

AGRICULTURAL PURPOSES — The use of land for farming, dairying, pasturage, agriculture, horticulture, viticulture or animal or poultry husbandry, including the necessary accessory uses for packing, treating or storing the produce and equipment or housing and feeding the animals and/or the use of dwellings for families headed by a full-time farm worker. Includes land devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the federal government.

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

APPLICATION FOR DEVELOPMENT — Every application, whether sketch, preliminary or final plan 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 plan or for the approval of a development plan.

AVERAGE LOT PRICE — This amount is determined by taking the arithmetic average of all open market residential lot sales in Springettsbury Township for the previous year. Open market sales shall not include multiple property/single consideration, nominal consideration, family member, forced sale or partial interest sales as defined by the York County Assessor's Office. This figure will be calculated on annual basis and established by the Board of Supervisors.

BUILDING — Any structure on a lot having a roof supported by columns or wall and intended for the shelter, housing or enclosure of persons, animals or chattels and including covered porches or bay windows and chimneys.

BUILDING, ACCESSORY — A building subordinate to and detached from the principal building on the same lot the use of which is customarily incidental and subordinate to that of the principal building, including utility sheds. Farm buildings not intended for habitation are considered to be accessory buildings.

BUILDING LINE — A line parallel to the front, side or rear lot line set so as to provide the required yard.

BUILDING, PRINCIPAL — A building which is the main or principal structure on the lot and in which the primary use of the lot is located.

CARTWAY — The area of a street, road or alley used for vehicular traffic.

CLEAR SIGHT TRIANGLE — The area of unobstructed vision at street intersections defined by the center lines of streets and by a line of sight between points on their center lines at a given distance from the intersection of the street center lines.

COMMISSION — The Planning Commission of the Township.

COMPREHENSIVE PLAN — The official public document prepared in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended, consisting of maps, charts and textual material that constitutes a policy guide to decisions about the physical and social development of Springettsbury Township, as amended from time to time.

CROSSWALK — A right-of-way, municipally or privately owned, at least 12 feet wide, which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

CUL-DE-SAC — A street with a single common ingress and egress ending with a circular paved turnaround.

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

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

DEVELOPMENT —Any man-made change to improved or unimproved land, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures, the placement of manufactures homes, streets and other paving, utilities, filling, grading and excavation, mining, dredging, drilling operations, storage of equipment or materials and subdivision of land.

DEVELOPMENT COST FACTOR — This figure is a percentage of the total average lot price that development actually costs on a per lot basis. The figure would include the costs for streets, sidewalks, curbing, utilities, etc. This value, expressed as a percentage in the fee in lieu of land dedication formula, would be established by the Township Engineer.

DRIVEWAY (RESIDENTIAL) — A paved or unpaved surface, other than a street or access drive, which is intended to provide vehicular access from a street or private lane to a single residential dwelling unit.

DWELLING UNIT — Any structure, or part thereof, designed to be occupied as a living quarters for one family.

EASEMENT — A right granted to use certain land area for a special purpose consistent with the general property rights of the owner.

ENGINEER — The appropriate licensed professional as authorized by the Registration Act of the Commonwealth of Pennsylvania to perform the specified services.

ENGINEERING SPECIFICATIONS — The engineering specifications of the Township as adopted by Resolution of the Board of Supervisors regulating the installation of any required improvements of for any facility, installed by an owner, subject to public use.

FLOODPLAIN — The area along a natural watercourse which is periodically overflowed by water therefrom and defined by the U.S. Geologic Survey or the Federal Emergency Management Agency (FEMA) and alluvial soils as established by the Soil Conservation Service or the one-hundred-year floodplain as described by engineering data.

IMPROVEMENT — Any physical addition, installation and change required to render land suitable for the use intended, including, but not limited to, streets, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts and landscaping.

IMPROVEMENT, TEMPORARY — Any improvement intended or permitted only for the duration of construction. The improvement shall not be permitted to remain for more than two years or for the duration of a single phase of construction as determined by the Township Engineer.

LAND DEVELOPMENT — The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

A. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.
B. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
C. A subdivision of land. However, the following shall not be considered a land development:
   (1) The addition of an accessory building, including a farm building, on the same lot as the principal building, except that the total area covered by non-farm accessory buildings shall not comprise more than 25% of the total area of the first floor of the principal building and shall not be more than 800 square feet, whichever is less.
   (2) It shall be noted that the above exclusion is required to conform with all other applicable ordinances and regulations of the Township.

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. Also: OWNER.

LOOP STREET — Any street or combination of streets that does not intersect with a through street at two or more separate and distinct locations. A loop street includes any

street or system of streets that relies on one intersection with a through street as a means of ingress and egress for vehicular traffic.

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

LOT AREA — The area contained within the property lines of an individual parcel of land, excluding any area within a street right-of-way, but including the area of any easement.

LOT, CORNER — A lot with two adjacent sides abutting on streets which have an interior angle of less than 135° at the intersection of the two street center line. A lot abutting on a curved street shall be considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than 135°.

LOT, DOUBLE FRONTAGE — A lot abutting two parallel or approximately parallel streets.

LOT, REVERSE FRONTAGE — A lot between an arterial street and a minor street with vehicular access only from the minor street.

LOT WIDTH — Width of a lot measured at the building setback and at the right-of-way line for the various zoning districts per this chapter.

MAJOR SUBDIVISION — Anything that is not a minor subdivision as defined in this Chapter.

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

MANUFACTURED HOME LOT — A parcel of land in a manufactured home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured home.

MANUFACTURED HOME PARK — A parcel of contiguous parcels of land which has been so designated and improved that it contains two or more manufactured home lots for the placement of manufactured homes.

MINOR SUBDIVISION — A residential subdivision which creates no additional lots and no additional buildings, structures, roads, public or private utilities, or any improvements of any nature.

MODIFICATION — A waiver, granted by the Township Board of Supervisors, from the terms of this Chapter where literal enforcement would create unnecessary hardship as a result of peculiar conditions pertaining to the land in question provided that the modification will not be contrary to the public interest and that the purpose and intent of this Chapter, Chapter 325: Zoning and the Comprehensive Plan are observed.

OUTPARCEL – A lot that is adjacent to the roadway that interrupts the frontage of another lot.

PERFORMANCE BOND — An agreement by and between a contract and a bonding company in favor of the developer and the Township Board of Supervisors guaranteeing the completion of physical improvement.

PERSON — Any individual, corporation, cooperative, partnership, firm, association, trust, estate, private institution, group, agency or any legal successor, representative, agent or agency thereof.

PLAN — The map or plan of a subdivision or land development whether sketch, preliminary or final:

A. PLAN, SKETCH — An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed land development for discussion purposes only and not presented for approval.
B. PLAN, PRELIMINARY — A land development plan, in lesser detail than a final plan, showing the salient existing features of a tract and its surroundings and approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
C. PLAN, FINAL — A complete and exact plan prepared for official recording to define property rights and proposed streets and other improvements.

PUBLIC GROUNDS — Includes:

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

RECREATION — Any activity, whether structured or not, in which individuals voluntarily engage during their leisure including, but not limited to:

A. Sports (individual, dual, team, co-recreational and combative), athletics, both land and water based.
B. Arts and crafts, spectating, picnicking, nature study and board games.
C. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities and cultural activities.

RECREATION AREA, ACCESSIBILITY — Any area which can be easily approached, entered and used by the citizens of a particular residential development; provided that the area is within the same recreation district as the development.

RECREATION AREA REQUIRED — The amount of land in any given subdivision or land development that would be dedicated for recreation where the fee in lieu of land dedication provision is not being utilized.

RIGHT-OF-WAY — A strip of land, whether public or private, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. If the right-of-way involves maintenance by a public agency, it shall be dedicated to public use by the maker of plan on which such right-of-way is established.

SIDEWALK — A paved walkway, continuous for a reasonable distance with or without a grass strip between the curb or cartway edge and sidewalk, constructed solely for use by pedestrians.

SEWAGE ENFORCEMENT OFFICER — The legally designated authority of the Township of Springettsbury or his authorized representative.

SANITARY SEWER — A pipe for conveying sewage and excludes stormwater, surface water and groundwater.

SIGHT DISTANCE — The distance required by a driver traveling at a given speed to stop the vehicle after an object in the roadway becomes visible to the driver.

STORM SEWER — A pipe for conveying rain water, surface water, condensate, cooling water and similar liquid waste, exclusive of sewage or industrial waste.

STREET CLASSIFICATION MAP — The map adopted by the Board of Supervisors of Springettsbury Township classifying the streets and roads of the Township as major arterial, minor arterial, collector or local.

STREETS — Streets include streets, avenues, boulevards, roads, highways, freeways, parkways, lanes, alleys, viaducts and any other ways used or intended to be used by vehicular traffic, whether public or private. The streets in Springettsbury Township classified major arterial, minor arterial, collector and local are shown on the Springettsbury Township Street Map. Streets are further classified as follows:

A. LIMITED ACCESS HIGHWAY – Street, highway or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only, and in such manner as may be determined by the PennDOT or other public authority having jurisdiction over such highway, street or roadway.

B. MAJOR ARTERIAL — Roadways that are important in the interregional transportation system, with a major portion of the vehicular movements being through traffic. Any roadway projected to have an average daily traffic volume greater than 10,000 vehicles at the time the development is completed shall be considered a major arterial for the purposes of this Chapter.
C. MINOR ARTERIAL — Roadways that are important in the regional transportation system and, while carrying mostly regional traffic, serve some local or Township origins and destinations. Any roadway projected to have an average daily traffic volume greater than 3,000 but less than 10,000 vehicles at the time the development is completed shall be considered a minor arterial for the purposes of this Chapter.
D. COLLECTOR — Roadways serving primarily local traffic and providing the connection between the residential, commercial, and industrial developments and the minor arterial system. Any roadway projected to have an average daily traffic volume greater than 1,000 but less than 3,000 vehicles at the time the development is completed shall be considered a collector for the purposes of this Chapter.
E. LOCAL ROAD — Roadways serving local traffic and connecting to collectors or minor arterials. Local roads in Springettsbury Township include all roads not classified as major arterial, minor arterial, or collector.
F. THROUGH STREET — A street that has at least two separate and distinct intersections, as a means of ingress and egress for vehicular traffic, with one or more streets that are not cul-de-sacs or loop streets.
G. LOOP STREET — Any street or combination of streets that does not intersect with a through street at two or more separate and distinct locations. A loop street includes any street or system of streets that relies on one intersection with a through street as a means of ingress and egress for vehicular traffic.
H. CUL-DE-SAC — A street with a single common ingress and egress ending with a circular paved turnaround.

STREET WIDTH — The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER — A person, co-partnership or corporation owning land in the Township and for which a land subdivision application is filed and processed under the provisions of this chapter.

SUBDIVISION — The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions or mergers 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 and devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easements of access or residential dwellings shall be exempted.

SUBDIVSION, REVERSE — The joining of two or more lots, tracts or parcels of land by any means into one parcel for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs and devisees, transfer of ownership or

building or lot development; provided, however, that the reverse subdivision by lease of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easements of access or residential dwellings shall be exempted. Also: MERGER.

SUBSTANTIALLY COMPLETED — A subdivision or land development can be considered substantially completed, where in the judgment of the Township Engineer, at least 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.

SURVEYOR — A registered surveyor, as defined by the Registration Act of the Commonwealth of Pennsylvania.

TOWNSHIP ENGINEER – The engineer authorized by the Springettsbury Township Board of Supervisors to provide engineering services for the Township.

ARTICLE III: Plan Requirements and Processing Procedures

§ 289-3-1. Preparation and filing of plan.

A. Plan required. Whenever a subdivision or development of land is desired to be effected, a plan of the layout of such development shall be prepared, filed and processed according to the requirements of this chapter.

B. Separate applications for subdivision and land development. Applications for subdivision and land development shall be considered separately by the Township, though both applications may be filed and processed simultaneously.

§ 289-3-2. Sketch plans and data; procedure.

Prior to the preparation and filing of the preliminary plan, the applicant may submit to the Planning Commission the following plans and data and may ascertain from the Planning Commission those elements which should be considered in the design of the subdivision or land development. These shall include any features of the Springettsbury Township Comprehensive Plan or of any other plans of the Planning Commission or Township including, but not limited to, proposed streets, recreation areas, drainage reservations, shopping centers and school sites. Submission of a sketch plan shall not constitute formal filing of the plan with the Township. Sketch plan fees, as set by resolution of the Board of Supervisors, are required to be paid at the time of plan filing.

§ 289-3-3. Sketch plans and data; specifications.

A. The sketch plan, which need not be drawn to scale, shall show the following information:
   (1) Name and address of developer and/or owner, name of municipality, proposed name of the development, north arrow and date.
   (2) Tract boundaries.
   (3) Number of acres in tract, average lot size, approximate number of lots, anticipated type of development.
   (4) Existing and proposed streets, highways, railroads, rights-of-way, sewers, water mains, fire hydrants and storm sewers.
   (5) Proposed general lot layout.
   (6) All public reservations such as schools, parks, etc.
   (7) Predominant natural features such as wooded areas, streams, wetlands, etc.
   (8) A location map for the purpose of locating other streets, developments, recreation areas and right-of-way to better plan the proper locations of the same.
   (9) Topography, showing contours at vertical intervals of five feet or as required by the Township Engineer.
   (10) Name and Commonwealth of Pennsylvania professional license number of the engineer, surveyor or other qualified person responsible for the map(s).

B. A land development sketch plan need not be drawn to scale. However, precise dimensions shall be shown if possible.

§ 289-3-4. Preliminary plans; procedure.

A. Filing.
   (1) The developer shall submit to the Planning Department 28 days prior to a regularly scheduled public meeting of the Planning Commission one plan application and 11 complete copies of a folded, preliminary plan which includes all reports, notifications and certifications required by this Chapter and a filing fee and required escrow funds as established by resolution of the Board from time to time. The plan application, preliminary plan and all supporting documents shall also be submitted electronically in a PDF format. The Township, for reasonable cause shown, may require additional copies of the preliminary plan and reports.
   (2) A plan will be considered duly filed with the Township after it is received by the Planning Commission during the next regularly scheduled Planning Commission meeting after receipt and is found to contain substantially all of the information required by the chapter. A plan does not contain substantially all of the information required by this chapter if it does not contain the following together with a filing fee as set by resolution of the Board of Supervisors:
      (a) Plan application
      (b) Preliminary plan
      (c) Elevation drawings substantively similar to ultimate construction
      (d) Photometric plan
      (e) Landscaping plan
      (f) A traffic impact study in accordance with § 289-4-7
      (g) A letter stating that an erosion control plan has been filed with York County
      (h) All waiver requests
   (3) If following the due filing of a plan, the developer makes substantial amendments to the plan; the plan must be resubmitted as a new plan with a new application and a new filing fee. The previous plan will be considered withdrawn upon written communication from the developer that it is no longer to be considered.
   (4) The application or his authorized representative shall be present at all public meetings when this plan is on the agenda."
   (5) It is the applicant's responsibility to provide copies of the following, as appropriate, together with proof of the submittals to the Township:
      (a) One copy, with required fees, to York County Planning Commission for its review and comments.
      (b) One copy to the district office of the Pennsylvania Department of Transportation for its review, comments and/or permitting where a proposed subdivision abuts or will be traversed by an existing or proposed state highway.
      (c) One copy to the York County Conservation District for erosion and sediment control review and letters of adequacy.
      (d) One copy transmitted to all affected public utilities that shall be required to make recommendations to Springettsbury Township as to the suitability of

installing underground telephone, electrical lines, gas lines, cable television, and/or public water.

(e) One copy to the Township Engineer for his review.

B. Review by Township Engineer. The Township Engineer will review and comment concerning the conformance of the submitted plan with Township ordinances governing design standards, improvements and construction requirements and conformance with Township requirements for installation of individual on-lot disposal systems. All costs incurred through the conducting of any engineering tests shall be the responsibility of the developer. The engineer may provide the developer an estimate of such costs of tests deemed necessary.

C. Recommendation by Planning Commission. The Planning Commission shall review and recommend approval, conditional approval or denial to the Board of Supervisors or recommend changes necessary for approval of subdivision and land development plans.

D. Action by Board of Supervisors. The Board of Supervisors shall approve, conditionally approve or disapprove the preliminary plan and shall give notice to the developer in the following manner:

(1) The decision of the Board of Supervisors concerning plan approval, whether preliminary or final, shall be in writing and shall be communicated to the applicant or mailed to him at his last known address not later than 15 days following decision. The decision shall specifically cite any conditions and/or plan defects.

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

(3) Approval of the preliminary plan by the Board of Supervisors constitutes conditional approval of the development as to character and intensity of development, the general layout and the approximate dimensions of streets, lots and other planned features. This approval binds the developer to the general scheme shown on the preliminary plan.

(4) Approval of the preliminary plan shall not constitute approval of the final plan, nor does it authorize recording of the preliminary plan or the sale of any lots. However, such approval does authorize the developer to proceed with the preparation of the final plan, installation and construction of improvements and/or the posting of a bond guarantee as specified in this chapter.

E. Compliance with conditions of approval. If the Board of Supervisors conditions its preliminary plan approval upon receipt of information, alterations, changes or

notations, such data shall be submitted and/or alterations noted on three copies to be submitted to the Township.

§ 289-3-5. Preliminary plans; specifications.

A. Preliminary plans are required for subdivisions or land developments that contain one or more of the following elements:
   (1) Pennsylvania Department of Transportation Highway Occupancy Permit.
   (2) Improvements of any kind proposed for dedication to Springettsbury Township.
   (3) Dedication of land for recreation.
   (4) On-site sewage disposal.
   (5) On-site water supply.
   (6) Multiple phases.
   (7) Others as determined by the Township Engineer.

   A preliminary plan is not necessary for any plan containing none of the above elements. Such a plan may proceed immediately to final plan.

B. The preliminary plan shall be drawn on mylar material and at a scale of not more than 100 feet to the inch. Sheet size shall be 24 inches by 36 inches. The preliminary plan shall show the following information:
   (1) Proposed land development name or identifying title.
   (2) Township in which land development is located.
   (3) North point, scale and date.
   (4) Name and address of the owner of the property or of his authorized agent.
   (5) Name, seal and signature of the registered surveyor responsible for any property line or monument location on all subdivision plans and/or name and signature of registered professional engineer as required by Pennsylvania Statute.
   (6) Total acreage of the tract.
   (7) Number of lots, proposed density and minimum lot size.
   (8) Signature blocks for approval by the Board of Supervisors and Planning Commission.
   (9) Length of new streets proposed.
   (10) Type and location of water supply and sewage disposal facilities proposed, i.e., on-lot or public. For on-lot systems, the location of perc tests must be shown.
   (11) Proposed use of and existing zoning classification and proof of any variances or special exceptions which may have been granted.
   (12) A location map for the purpose of locating the site in relation to the surrounding neighborhood and community. The location map should be at a scale of not less than 2,000 to one inch.
   (13) Tract boundaries showing bearings and distances.
   (14) Proposed contours at vertical intervals of five feet where the slope is equal to or greater than 10% or intervals of two feet where the slope is less than 10%.
   (15) Datum to which contour elevations refer. Where reasonably practicable, data shall refer to U.S. Coastal and Geodetic Survey datum.

(16) The names of owners of adjacent land, the names of proposed or existing land developments adjacent and the locations and dimensions of any streets or easements shown thereon which abut the land to be developed.
(17) All existing watercourses, tree masses and other significant natural features, such as rock outcrops, springs, wetlands and floodplains.
(18) All existing buildings, sewers, water mains, culverts, petroleum lines, telephone and electrical lines, gas lines, fire hydrants and other significant man-made features.
(19) All existing streets on, adjacent to or within 400 feet of any part of the tract, including name, right-of-way width and cartway width.
(20) All existing property lines, easements and rights-of-way and the purpose for which the easements of rights-of-way have been established.
(21) Lots within the land development shall be numbered and shown on a parcel identification table as shown below:

"Name of Subdivision or LD Plan" Lot Table	
Lot Number	UPI #

(22) Location of all proposed buildings.
(23) Location and width of all proposed streets, alleys, rights-of-way and easements, proposed lot lines with approximate dimensions, driveway access points on all lots where proposed, proposed minimum building setback line for each street, playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
(24) Elevation drawings substantively similar to ultimate construction.
(25) Where the preliminary plan covers only a part of the developer's entire holding, a sketch may be required of the prospective street layout for the remainder.
(26) A notarized statement to the effect that the applicant is the owner of the land proposed to be developed and that the land development shown on the preliminary plan is made with his or their free consent.
(27) Recreation areas shall be shown on a separate drawing with a topographic scale in increments of five feet where the slope is equal to or greater than 10% or intervals of two feet where the slope is less than 10%.
(28) Land development plans shall include separate drawings to show facade treatment, elevations, floor plans, lighting and signing.

C. The preliminary plan shall include thereon or be accompanied by:
(1) Feasibility study on sewer and water facilities for the tract (see § 289-4-10, Feasibility report on sewer and water facilities) and for land developments of two or more lots or dwelling units, a plan revision module for land development along with recommendations from the local office of the Pennsylvania Department of Environmental Protection.
(2) Environmental impact studies in accordance with Article IV for all subdivision and land developments unless waived by the Board of Supervisors.
(3) Typical cross-sections and center line profiles for each proposed street intersection for a distance of 50 feet past the end of each radii.

(4) Preliminary engineering designs of any new bridges or culverts proposed in the tract.
(5) A drawing of all present and proposed grades and facilities for stormwater drainage and supporting calculations.
(6) Description of all landscaping and buffer yards proposed and their compliance with the requirements of § 289-5-11 of this chapter.
(7) Copy of erosion and sedimentation control plan as submitted to York County Conservation District. See § 289-3-6G of this chapter.
(8) Documentation of inclusion in the Township's Chapter 94 report for the discharge of sewage into a public sewer system, where Township's Chapter 94 report requires connection with such system, must be submitted with the application, with sewage for the project being allocated in said report for that year or the year following that in which the plans are being submitted.
(9) Such certificates, affidavits, endorsements or dedications as may be required by the Planning Commission or the Board of Supervisors of the Township in the enforcement of these regulations and at least in the amount and form of the following:

(a) Engineer's Certificate.
I, _____, a registered professional engineer (or registered surveyor) of the Commonwealth of Pennsylvania, do hereby certify that this plan correctly represents the lots, lands, streets, alleys and highways as surveyed and plotted by me for the owners or agents.

_____
(Engineer) Registration No.

(b) Survey Data.
I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Springettsbury Township Subdivision and Land Development Ordinance [error of closure no greater than one (1) foot in ten thousand (10,000) feet].

_____, 20__

*_____

* Signature and seal of the registered surveyor responsible for the preparation of the plan.

(c) General Plan/Report Data.
I hereby certify that, to the best of my knowledge, the _____ shown and described hereon is true and correct to the accuracy required by the Springettsbury Township Subdivision and Land Development Ordinance.

_____, 20__

** _____

* Title of plan/report data
** Signature and seal of the registered professional responsible for preparation of the data

(d) Recommendation for Approval by the Planning Commission of Springettsbury Township.
Recommended for approval by the Planning Commission of Springettsbury Township, York County, Pennsylvania, this _____ day of _____, 20___.

_____ _____
Chairman

_____ _____

_____

(e) Preliminary Plan Approval.
At a meeting on _____, 20___, the Board of Supervisors of Springettsbury Township granted preliminary plan approval of this project, including the complete set of plans marked sheet(s) _____ through _____, which form a part of the application, dated _____, last revised _____, and bearing File No. _____. This plan may not be recorded in the office of the York County Recorder of Deeds, nor may any construction be initiated, but when combined with the other necessary approvals and permits, grants the authority to install only the public improvements required as part of the plan.

* _____

* Signature of the Township Secretary or designee

(f) Township Engineer Review Statement

Reviewed by the Springettsbury Township Engineer

_____
Township Engineer

(g) Review by York County Planning Commission.
This plan has been reviewed by the York County Planning Commission this ____ day of _____, _____.

_____
York County Planning Commission

§ 289-3-6. Final plans; procedure.

A. Filing.
(1) The developer shall submit to the Planning Department 28 days prior to a regularly scheduled public meeting of the Planning Commission one plan application and 11 complete copies of a folded, final plan which includes all reports, notifications and certifications required by this Chapter and a filing fee and required escrow funds as established by resolution of the Board from time to time. The plan application, final plan and all supporting documents shall also be submitted electronically in a PDF format. The Township, for reasonable cause shown, may require additional copies of the final plan and reports.
(2) A plan will be considered duly filed with the Township after it is received by the Planning Commission during the next regularly scheduled Planning Commission meeting after receipt and is found to contain substantially all of the information required by the chapter. A plan does not contain substantially all of the information required by this chapter if it does not contain the following together with a filing fee as set by resolution of the Board of Supervisors:
(a) Plan application.
(b) Final plan.
(c) Elevation drawings substantively similar to ultimate construction
(d) Photometric plan
(e) Landscaping plan
(f) A traffic impact study in accordance with § 289-4-7.
(g) A letter stating that an erosion control plan has been filed with York County.
(h) All waiver requests.
(3) If following the due filing of a plan, the developer makes substantial amendments to the plan; the plan must be resubmitted as a new plan with a new application and a new filing fee. The previous plan will be considered withdrawn upon written communication from the developer that it is no longer to be considered.

(4) The application or his authorized representative shall be present at all public meetings when this plan is on the agenda.

(5) It is the applicant's responsibility to provide copies of the following, as appropriate, together with proof of the submittals to the Township:

(a) One copy, with required fees, to York County Planning Commission for its review and comments.

(b) One copy to the district office of the Pennsylvania Department of Transportation for its review, comments and/or permitting where a proposed subdivision abuts or will be traversed by an existing or proposed state highway.

(c) One copy to the County Soil and Water Conservation District for erosion and sediment control review and letters of adequacy.

(d) One copy transmitted to all affected public utilities who shall be required to make recommendations to Springettsbury Township as to the suitability of installing underground telephone, electrical lines, gas lines, cable television, and/or public water.

B. Conformance with preliminary plan.

(1) The final plan will have incorporated all the changes and modifications required by the Planning Commission; otherwise, it shall conform to the approved preliminary plan and it may constitute only that portion of the approved preliminary plan which the subdivider proposes to record and develop at the time; provided that such portions conform with all of the requirements of this chapter.

(2) Each section in any residential subdivision or land development, except the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion.

C. Guarantee. No plan shall be finally approved unless the streets shown on such plan 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 this chapter have been installed in accordance with this chapter, the approved preliminary plan, and the Township Construction and Material Specifications. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer may deposit with the township financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The developer 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.

D. Review by Township Engineer. The Township Engineer will review and comment concerning the conformance of the submitted plan with township ordinances governing design standards, improvements and construction requirements and conformance with township requirements for installation individual on-lot disposal systems. All costs incurred through the conducting of any engineering tests shall be the responsibility of the developer. The engineer may provide the developer an estimate of such costs of tests deemed necessary.

E. Recommendation of Planning Commission. The Planning Commission shall review and recommend approval or denial to the Board of Supervisors or recommend changes necessary for approval of subdivision and land development plans.

F. Soil percolation tests. Soil percolation tests shall be performed for all developments where structures at the time of construction will not be connected to any active public sewage disposal systems. Tests will be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection. The Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection shall certify that both an initial location and a replacement location for the on-lot sewage disposal system are present on each lot. The minimum lot size where on-lot systems and wells are proposed shall be two acres, unless the results of the soil percolation tests show that it must be larger to adequately percolate. See § 289-6-5C of this chapter.

G. Earthmoving activities. All earthmoving activities within the Township shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation. In order to fulfill the requirements of the Pennsylvania Department of Environmental Protection Rules and Regulations, Chapter 102, for any subdivision which requires the construction of streets or other earthmoving activity on an area of over 25 acres, the Township Planning Commission shall not recommend approval and the Board of Supervisors shall not approve the final plan unless the subdivider submits evidence that he has obtained an earth disturbance permit from the Department of Environmental Protection.

H. Highway occupancy permit. Any plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall not be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to § 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law, Editor's Note: See 36 P.S. § 670.101 et seq." before driveway access to a state highway is permitted.

I. Approval. The Board of Supervisors shall determine whether final plans shall be approved, conditionally approved, or denied and shall give notice to the developer in the following manner: The decision of the Board of Supervisors shall be in writing, specifically cite any conditions and /or plan defects and shall be communicated to the applicant or ailed to him at his last known address not later than 15 days following the decision.

(1) Approval of the final plan by the Board of Supervisors constitutes final approval of the land development as to the character and intensity of the development, the layout and the dimensions of streets, lots and other planned features. The approval binds the developer to the scheme shown on the final plan.
(2) Final plan recording shall not take place until such improvements as required by the chapter and shown on such final plan have been completed or financial security posed as required by Article V and any and all conditions imposed by the Board of Supervisors have been met. Recording of the final plan must be accomplished before the developer can proceed with the sale of any lots or the construction of buildings or structures and before any building permits will be issued.

J. Changes. No changes, erasures, modifications or revisions shall be made on any final plan of a subdivision or land development after approval has been given by the Board of Supervisors and endorsed in writing on the plan, unless the plan is first resubmitted to the Board of Supervisors.

K. Development agreement. The Board of Supervisors in its final approval of a plan may condition such approval on the developer entering into a development agreement with the Township detailing the plan elements, specifications and improvements agreed upon. Such agreement shall be duly executed and acknowledged by the developer and the Township Manager and shall be binding upon the developer and upon this developer's heirs or successors and assigns. The failure or refusal of the developer to sign the development agreement within 10 days of its presentation for signature shall result in a deemed denial of the plan.

L. Recording. Upon approval of the final plan by the Board of Supervisors and subsequent execution of the development agreement, the developer shall pay to the Township the recording fee and the Township shall have both the approved plan and the development agreement recorded within 90 days of plan approval in the Office of the Recorder of Deeds of York County.

M. Compliance with conditions of approval. If the Board of Supervisors conditions its final plan approval upon receipt of information, alterations, changes or notations such data shall be submitted and/or alterations noted on three copies to be submitted to the Township. The conditions of approval must be satisfied prior to recording of the final plan.

§ 289-3-7. Final plans; specifications.

A. The final plan shall be drawn in ink on mylar sheets (sheet size 24 inches by 36 inches) at a scale of either 50 feet to the inch or 100 feet to the inch and shall be submitted electronically in a PDF format. The final plan shall include all specifications shown under § 289-3-5 for preliminary plan, in addition to the following information:
(1) Land development name or identifying title.

(2) Township in which the land development is located.
(3) North point, scale and date.
(4) Certification of title showing that the applicant is the owner of the land.
(5) Name, seal and signature of the registered surveyor certifying to the accuracy of any lines or monuments indicating the location of property and/or certification by registered professional engineer as required by Pennsylvania Statute.
(6) Total acreage of the tract, number of lots, density and minimum lot size.
(7) Proposed use of land and existing zoning classification and proof of any variances or special exceptions which may have been granted.
(8) A location map for the purpose of locating the site to be developed in relation to the surrounding neighborhood and community. The location map should be at a scale of not less than 2,000 feet to the inch. In addition, a complete street layout shall be provided at a scale of one inch equals 800 feet (one inch equals 800 feet).
(9) Names of owners of record of adjoining land.
(10) Tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, property lines of residential lots and other sites with accurate dimensions, bearings or deflection angles and radii, arc and central angles of all curves.
(11) Primary control points, approved by the Township Engineer, or description and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plan shall be referred.
(12) Sufficient data to determine readily the location, bearing and length of every street, lot and boundary line and to reproduce such lines upon the ground. Such data to be tied into monuments as required.
(13) All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use and the purpose for such areas.
(14) All dimensions shall be shown in feet and hundredths of a foot.
(15) The proposed building setback line for each street. The proposed placement of each building may be required.
(16) The point of access and profiles of all driveways.
(17) Lots within the land development shall be numbered by projected house numbers and identified on a parcel identification table as shown below:

"Name of Subdivision or LD Plan" Lot Table	
Lot Number	UPI #

(18) Names of streets within and adjacent to the land development shall be shown.
(19) The locations of permanent reference monuments shall be shown on the plan.
(20) Location, dimensions and purpose of all easements.
(21) Statement of owner dedicating streets, rights-of-way and any sites for public use which are to be dedicated.
(22) Proposed contours at intervals of five feet or at two feet if the general slope of the site is less than 10%.
(23) Landscaping plan meeting the requirements of § 289-5-11 of this chapter.
(24) Elevation drawings substantively similar to ultimate construction.

B. The plan shall be accompanied by the following data in form prescribed by the engineering specifications:
   (1) Profiles of streets showing grades at a minimum scale of 50 feet horizontal and five feet vertical.
   (2) Cross-sections of streets showing the width of right-of-way, width of cartway, location and width of sidewalks and location and size of utility mains.
   (3) Plans and profiles of proposed sanitary and/or stormwater sewers, with grades and pipe sizes indicated and a plan of any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
   (4) Location and method of street lighting facilities.
   (5) Documentation of inclusion in the Township's Chapter 94 report for the discharge of sewage into a public sewer system, where Township's Chapter 94 report requires connection with such system, must be submitted with the application, with sewage for the project being allocated in said report for that year or the year following that in which the plans are being submitted.
   (6) Other state and county certificates as may be required.
   (7) Such certificates, affidavits, endorsements or dedications as may be required by the Planning Commission or the Board of Supervisors of the Township in the enforcement of these regulations and at least in the amount and form of the following:

      (a) Dedication and Release of Individual.
      COMMONWEALTH OF PENNSYLVANIA
      COUNTY OF YORK

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

      ** _____

      *** _____

      My commission expires_____, 20 ___

      * Identify ownership or equitable ownership
      ** Signature of the individual
      *** Signature and seal of notary public or other officer authorized to acknowledge deeds

(b) Dedication and Release of Partnership.
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK

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

** _____

*** _____

My Commission expires_____, 20___

* Identify ownership or equitable ownership
** Signature of the partners
*** Signature and seal of notary public or other officer authorized to acknowledge deeds

(c) Dedication and Release of Corporation, Limited Partnership, LLC or other entity.
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF YORK

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

***** _____

Corporate Seal

****** _____

My commission expires:_____, 20___

*	Individual's name
**	Individual's Title
***	Name of corporation
****	Identify ownership or equitable ownership
*****	Signature of individual
******	Signature and seal of notary public or other officer authorized to acknowledge deeds

(d) Engineer's Certificate.
I, _____, a registered professional engineer (or registered surveyor) of the Commonwealth of Pennsylvania, do hereby certify that this plan correctly represents the lots, lands, streets, alleys and highways as surveyed and plotted by me for the owners or agents.

_____
(Engineer) Registration No.

(e) Survey Data.
I hereby certify that, to the best of my knowledge, the survey and plan shown and described hereon is true and correct to the accuracy required by the Springettsbury Township Subdivision and Land Development Ordinance [error of closure no greater than one (1) foot in ten thousand (10,000) feet].

_____, 20__ *_____

* Signature and seal of the registered surveyor responsible for the preparation of the plan.

(f) General Plan/Report Data.
I hereby certify that, to the best of my knowledge, the _____ shown and described hereon is true and correct to the accuracy required by the Springettsbury Township Subdivision and Land Development Ordinance.

_____, 20__ **_____

* Title of plan/report data
** Signature and seal of the registered professional responsible for preparation of the data

(g) Recommendation for Approval by the Planning Commission of Springettsbury Township.
Recommended for approval by the Planning Commission of Springettsbury Township, York County, Pennsylvania, this _____ day of _____, 20___.

_____ _____
Chairman

_____ _____

_____

(h) Final Plan Approval.
At a meeting on _____, 20___, the Board of Supervisors of Springettsbury Township approved this project, including the complete set of plans and information which are filed with the township, based upon its conformity with the standards of Springettsbury Township Subdivision and Land Development Ordinance.

* _____

_____

_____

* Signatures of the members of the Township Board of Supervisors

(i) Township Engineer Review Statement.
Reviewed by the Springettsbury Township Engineer

_____
Township Engineer

(j) Review by York County Planning Commission.
This plan has been reviewed by the York County Planning Commission this ____ day of _____, _____.

_____
York County Planning Commission

(k) Certificate of County Recorder of Deeds.
Recorded in the office for Recorder of Deeds, in and for York County, Pennsylvania, in Plan Book _____, Page _____, this _____ day of _____, A.D. 20__.

(l) On-lot Facilities.
By approval of this plan Springettsbury Township makes no guarantee or representation to the purchasers of lots shown hereon that any lot has been approved for an on-lot water or sewage system. Springettsbury Township assumes no liability or responsibility to maintain, repair, or replace any stormwater facilities set forth on this plan.

§ 289-3-8. Minor subdivision waiver.

A. At the sole discretion of the Board of Supervisors, a minor subdivision may be granted a waiver ("minor subdivision waiver") of the following sections of the Subdivision and Land Development Ordinance:
   (1) Section 289-3-4, Preliminary plans; procedure.
   (2) Section 289-3-5, Preliminary plans; specifications.
   (3) Section 289-3-7, Final plans; specifications:
      (a) Subsection A(13), (15), (21,) (22), and (23).
      (b) Subsection B.
   (4) Section 289-4-10, Feasibility report on sewer and water facilities.
   (5) Article IV, Environmental impact studies.
   (6) Article V, Improvement Specifications, except § 289-5-2, Monuments.
   (7) Article VI, Design Standards, except § 289-6-2, Proposed street system, Subsection E.

B. In addition to all sections not waived above, the applicant will provide:
   (1) The location of all existing buildings, sewers, water mains, culverts, petroleum lines, telephone and electrical lines, gas lines, fire hydrants and other man-made structures.
   (2) The proposed use of and zoning classification and proof of any variances or special exceptions which may have been granted.
   (3) Signature blocks for the Board of Supervisors, Planning Commission, and the York County Planning Commission.

ARTICLE IV: Environmental Impact Studies

§ 289-4-1. Environmental impact studies required.

A. Environmental impact studies shall include statements for each of the topics listed Sections § 289-4-2 through 4-9 below.

B. In addition to the requirements listed in Sections § 289-4-2 through 4-9, the developer shall demonstrate compliance with all applicable state and federal regulations related to protection of the environment. Such regulations shall include, but not be limited to, the regulations listed in Chapter 325, Zoning.

C. All adverse impacts that cannot be avoided shall be listed in the environmental impact studies.

D. An engineer shall certify all elements of the environmental impact studies listed in this Article.

E. The Board of Supervisors reserves the right to reject a plan if the environmental impact studies are incomplete or identified unavoidable environmental impacts or impacts that cannot be sufficiently mitigated.

§ 289-4-2. Steep slope impact studies.

All plans involving lands that possess slopes exceeding 15% shall require the preparation of a statement by an engineer licensed by the Commonwealth of Pennsylvania, which includes the following minimum considerations:

A. A topographic map of the site which highlights those areas that possess slopes exceeding 15%. Also reflected on this map should be all existing and proposed site improvements (e.g., buildings, roads, sewer systems, driveways, etc.).

B. A detailed description of the methods that are being used to:
   (1) Protect and stabilize areas that have a high potential for soil erosion.
   (2) Prevent the construction of structures and other site improvements on areas with slopes exceeding 15% or a description of the specific design and construction techniques used to assure structural safety and minimize harm to the environmental associated with development on steep slopes.
   (3) Minimize grading throughout the site.
   (4) Protect and preserve any valuable natural wildlife and/or plan habitats that coincide with the steep-slope areas on the site.
   (5) Protect water quality on and around the site from the adverse effects of the proposed use.
   (6) Protect any steep slopes on adjoining properties.

(7) In those instances where buildings and/or other structures are being placed on slopes exceeding 15%, a description of the methods used to assure adequate foundations shall be provided.

§ 289-4-3. Wetlands impact studies.

A. All plans shall have a wetlands identification and/or delineation performed in concurrence with methodologies outlined in the 1989 "Federal Manual for Identifying and Delineating Wetlands" as it may be updated from time to time and a report summarizing the findings of the delineation shall be attached to the preliminary plan.

B. A letter from the Pennsylvania Department of Environmental Protection and/or U.S. Army Corps of Engineers verifying the wetlands boundaries shall also be attached to the preliminary plan. The verified boundaries shall be shown on the preliminary plan map.

C. A letter from the Pennsylvania Natural Diversity Inventory (PNDI) identifying any threatened or endangered species and their habitats on or near the site shall be included. If such species or areas are identified, a statement of proposed measures to protect the species or areas shall be included. This statement shall be supplemented by correspondence from appropriate state or federal agencies regarding the adequacy of the proposed protective measures.

D. The applicant shall also verify that all required permits from both the U.S. Army Corps of Engineers and Pennsylvania Department of Environmental Protection have been obtained. If no permit is required, a statement to this effect from these agencies shall be submitted.

E. In addition, a detailed description of the methods proposed to do the following shall be submitted:
   (1) Avoid the disturbance of any wetlands and/or other important wildlife habitats during and following construction on the site.
   (2) Assure that the proposed use is compatible with these important habitats.
   (3) Mitigate the loss of existing habitats.
   (4) Replace and/or create additional land areas that will be characterized by similar environmental traits as the site's important habitats.
   (5) Assure that those activities with the proposed use will remain compatible with the site's important habitats, over time.

§ 289-4-4. Hydrological impact studies.

Those plans proposing the use of on-lot sewage disposal systems in areas underlain by a carbonate geologic formation shall require the preparation of a preliminary hydrogeologic study. Such preliminary hydrogeologic study shall be conducted by a qualified hydrogeologist and consist of the following minimum considerations:

A. A map showing the topographic location of the site, any proposed on-site sewage disposal systems and wells. Narrative description of the types of these systems shall also be furnished.

B. A description of the geologic conditions on and around the site that would affect the groundwater discharge rate and the degree of groundwater renovation. Such conditions can include, but need not be limited to, closed depressions, sinkholes, high water table conditions, springs, lineaments, faults, outcrops of bedrock, soil mottling, surface drainage into the ground, ghost lakes and etc.

C. A map and narrative description of the area that will be impacted from the proposed use of on-lot sewage disposal systems. Such analysis will consider and identify the systems, dispersion plumes and mixing zones to be calculated from the surface topography and known geologic conditions. The analysis will then describe anticipated water quality/quantity impacts to areas located down-gradient and/or along any geologic strike or fault. These anticipated impacts should also consider existing and potential land uses located within the affected area.

D. Should it be determined that the proposed use(s) would result in a degradation of groundwater quality, or eliminate the potential use of nearby properties, the study should present measures that can be employed to mitigate these adverse impacts.

§ 289-4-5. Historic resource impact studies.

Those plans involving properties of, or ones adjacent to, a site listed with the National Register of Historic Places and/or a site listed on the Pennsylvania Register of Historic Places shall require the preparation of a statement which includes the following minimum considerations:

A. A topographic map of the site and adjoining historic sites that highlights existing historic sites and depicts the proposed use.

B. A description of the site's historic features and their historic significance at the local, state and national level.

C. Photo-documentation of the site and its historic features

D. A description of the effect of proposed development's impact on the historic sites contained on or around the site. A complete set of plans with a letter summarizing the plan, particularly as it pertains to historic resources, shall be provided to the Zoning Officer for distribution to the Springettsbury Township Historic Preservation Committee. A copy of this letter should be included with the EIS statement along with a narrative of any comments provided by the Zoning Officer resulting from the Historic Preservation Committee's review.

E. Architectural renderings of the proposed structures and descriptions of any architectural treatments that are intended to complement any important architectural features of nearby historic resources.

F. A description of any nonstructural site improvements (buffering, landscaping and screening) that will be used to protect the integrity of the existing historic resources.

§ 289-4-6. Archaeological resource impact studies.

A plan involving lands identified by the Pennsylvania Historical and Museum Commission (PAHMC) as containing a known site of archaeological significance shall require the preparation of a statement by a professional archaeologist which include the following minimum considerations:

A. A detailed account of a survey of archaeological resources conducted on the site and its findings. Such survey shall be conducted only after notification of the PAHMC and undertaken in a manner specifically prescribed by the PAHMC.

B. A letter from the PAHMC discussing the archaeological significance of the site. This letter should also suggest whether or not further study is warranted. If further study is warranted a description of the level of investigation needed should also be explained.

C. Should the PAHMC determine that certain portions of the site can accommodate the proposed use without risking the loss of archaeological resources contained elsewhere on the site, a detailed description of the methods that are being used to:
   (1) Prevent the disturbance of archaeologically significant areas of the site during and following construction of the proposed use.
   (2) Prohibit grading in the vicinity of archaeologically significant areas of the site.
   (3) Orient improvements and activities of the proposed use away from the archaeologically significant areas that adjoin the site.
   (4) A detailed description of the plans for disposition of any archaeologically significant artifacts found, or to be found, on the site.

§ 289-4-7. Traffic impact studies.

A traffic impact study shall be prepared to guide the design of site access and to provide Springettsbury Township with information that can be used to assist the Township in planning needed off-site improvements. When establishing the study area boundaries, sufficient area shall be included to ensure that key corridors that afford access to the site and critical intersections that may be affected by the site generated traffic are taken into account. The exact limits of the study area shall be based on engineering judgment and an understanding of existing traffic conditions at and in the vicinity of the proposed site. In all instances; however, the study limits must be mutually agreed upon by the applicant and the Township prior to the preparation of the traffic impact study.

A. Existing and proposed site uses. The existing and proposed uses of the site shall be identified in terms of the various zoning categories in the jurisdiction. In addition, the specific use on which the request is made shall be identified. In the case where a current land use is being upgraded or modified, a description of the proposed improvements with respect to density changes shall be included. Such a density change may necessitate replacing existing traffic volumes generated by the current land use with increased volumes resulting from a change in land use and density.

B. Existing and proposed nearby uses. A complete description of the existing land uses in the vicinity as well as their current zoning shall be included. The proposed uses for adjacent land in terms of zoning categories shall be included. This latter item is especially important where large tracts of undeveloped land are in the vicinity of the site and within the defined study area.

C. Existing and proposed roadways and intersections. The study shall describe existing roadways and intersections within the study area with respect to geometrics and traffic signal control as well as any planned and committed roadway and traffic operational improvements by government agencies. In addition to critical intersections, high volume driveways adjacent to, or across from the site shall be identified.

D. An analysis of existing traffic conditions shall be prepared so that the impacts of the proposed development can be superimposed. The section shall describe the results of the volume studies and capacity analysis to be completed for the roadways, intersections and driveways in the vicinity of the site under existing conditions as well as any data collection efforts that are required. The source and/or method of computation for all traffic volumes and capacity analysis shall be included. This portion of the study shall include:
   (1) Daily and peak hour(s) traffic volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Mainline volumes and turning improvement volumes at critical intersections in the study area shall be presented for the three peak hour conditions, a.m., p.m. and peak hour of the proposed facility. Only mainline volumes are required to reflect daily traffic volumes. If the peak hour(s) of the proposed facility coincides either the a.m. and p.m. peak hour(s), it need not be presented as a separate condition.
   (2) Capacity analysis/level of service at critical locations. Utilizing the techniques described in the 2000 Highway Capacity Manual (or most current version) an assessment of the relative balance between roadway volumes and capacity shall be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours. Based on the results obtained, levels of service shall be computed and presented. Included in this section shall also be a description of typical operating conditions at each level of service.
   (3) Intersection delay. The study shall evaluate the effectiveness of existing signal control at critical intersections in terms of vehicle stops and delays.

(4) Gap studies. Where there is a heavy volume of traffic on the abutting major route, where a significant volume of left turns is expected from the site or where the exit would not be expected to qualify automatically for traffic signal control, gap studies shall be performed at potential access points. Where gap studies are taken at potential access points, the studies shall identify the access point and the findings shall be documented.

(5) Queue-length studies.

(a) Backups of traffic from nearby controlled intersections could affect the exit and/or entry movement at a potential access point of the development. In order to determine the appropriate locations for access points, queue length studies shall be performed to evaluate alternate access points at various distance back from a controlled intersection.

(b) The study shall also describe background traffic, the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed zoning or development request. Acceptable methods used to determine the non-site traffic volumes include the use of existing comprehensive transportation plan projections, typical annual growth rates and estimates of site-specific development projects. The future years for which the projections are to be made will be a factor of the project build-out year and the project location, planned roadway improvements, etc. Planned roadway improvements by location and type shall be described in terms of the ability to handle the impact of the future traffic growth.

(6) Daily and peak hour(s) traffic volumes. This section shall clearly indicate the method and assumptions used to predict future traffic volumes in order that the Township can duplicate the calculations. Schematic diagrams depicting future traffic volumes in terms of location and times (daily and peak hours) shall be provided.

(7) Capacity analysis/level of service at critical locations. The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications are committed for implementation, the capacity analysis shall be presented for those conditions. Based on the results, levels of service shall be determined.

The amount of traffic generated by the site shall be presented in this section for daily and the three peak hour conditions. Consideration must be given to pass-through trips. The final assumption shall be a function of the proposed land use project and its complexity. Trip generation rates may be adjusted due to variations in areas characteristics. The trip generation rates used in this chapter of the analysis shall be justified and documented to the satisfaction of the Township. The direction of approach for site generated traffic shall be presented for the appropriate time periods. Directional characteristics shall be used to estimate the turning movements at the various access points and at critical nearby intersections. The basic method and assumption used in this work must be clearly stated. The utilization of study area roadways by site generated traffic shall be described. The proposed traffic volumes from the proposed development

shall be combined with anticipated traffic volumes from the study area without the development to describe mainline and turning movement volumes for future conditions with the site developed as proposed.

E. This section shall describe the adequacy of the existing roadway system to accommodate future traffic with development of the site as described in accordance with the previous subsection. The description shall include:
   (1) Daily and peak hour(s) traffic volumes. Mainline and turning movement volumes shall be presented for the highway network in the study area as well as the development access driveways and internal circulation roadways for the appropriate time periods.
   (2) Capacity analysis/level of service at critical locations. A capacity analysis shall be performed and the levels of service on the study area roadway system determined for the appropriate peak hours for future conditions with the site developed as proposed. The operating levels between the existing and the projected conditions shall be compared. If there is a critical change resulting from the proposed development, the applicant shall, at applicant's expense, make improvements to substantially eliminate the critical change or contribute funds to the Township to enable the Township to make such improvements.
   (3) Intersection delay. An intersection delay analysis shall be performed. The results of this analysis shall serve as a basis for assessing the effectiveness of various proposed improvements.

In the event the capacity analysis indicates unsatisfactory levels of service will be generated upon the study area roadways and/or criteria intersections, then a description of proposed improvements by location and type to remedy deficiencies shall be included in this section. The study shall clearly delineate which improvements shall be the projects of the state or Township.

   (4) Proposed improvements. This section shall provide details on the location, nature and extent of proposed improvements to assure sufficient roadway capacity and adequate operating levels. Preliminary cost estimates, timing and likelihood of implementation shall be included in this section.
   (5) Capacity analysis/level of service. Another iteration of the capacity analysis shall be described which demonstrates the anticipated results of making these improvements. The levels of service for the highway system with improvements shall be presented. The goal is to have all impacted intersections operating at a level of service which is not worse than that which existed under the existing conditions.
   (6) Intersection delay. The study shall evaluate the effectiveness of the proposed improvements with respect to vehicle stops and delays. The study shall include an executive summary. The summary shall be a clear concise description of the study findings, recommendations and, where applicable, proposed improvements.

§ 289-4-8. Public facilities and services impact studies.

All plans shall require the preparation of a statement with the following minimum considerations:

A. A description of the effect of proposed use on delivery of fire protection. A complete set of plans with a letter summarizing the plan, particularly as it pertains to fire protection, shall be provided to the Zoning Officer for distribution to the Fire Chief. A copy of this letter should be included with the EIS statement along with a narrative of any comments provided by the Zoning Officer resulting from the Fire Chief's review.

B. The Zoning Officer may confer with the Police Chief for the purpose of determining the effect of the proposed use on the delivery of police protection and traffic safety. Any comments resulting from this consultation shall be included in the EIS statement.

C. A description of the effect of the proposed use on the delivery of ambulance service. This service should be addressed in the summary directed to the Fire Chief as described above and any comments resulting should be included in your EIS narrative.

D. A description of the effect of the proposed residential development on the delivery of public education. This description shall include a letter from the appropriate school district(s) describing the adequacy/inadequacy of existing or proposed facilities and services to accommodate the proposed use. In addition, the letter should list any suggestions that could enhance the delivery of public education to residents of the proposed residential development.

§ 289-4-9. Environmental condition assessment.

A. All plans shall document the presence of known or suspected hazardous materials or contaminated soils. Plans for sites with no known or suspected hazardous materials or contaminates soils shall include a statement that none exist.

B. The plan shall include statement to the effect of any possible contaminants and their affect on the neighboring properties and community and a detailed statement about how possible contaminants and hazardous materials are either to be removed and disposed of or if they are to remain on-site how current and future property owners are to be protected from contamination.

C. If drums and or fluid fill tanks are observed on a site, the plan shall document what action will be taken to ensure that the tanks or drums will be are properly and legally addressed.

§ 289-4-10. Feasibility report on sewer and water facilities.

A. The developer shall submit a feasibility report in duplicate concerning the availability and/or adaptability of sewer and water facilities in or near a proposed land development. Said report shall be prepared by a registered professional engineer, if requested by the Township, and be submitted in conjunction with the preliminary plan for review and recommendations by the Township and the local office of the Pennsylvania Department of Environmental Protection.

B. The feasibility report shall consist of an examination of possible connection to an existing sewerage system and water supply system. The study shall include the distance from the nearest public sewer and public water and the capacity of the existing system to accommodate the proposed land development.

C. If the above method of sewerage disposal is found to be feasible, formal application shall be made to the Commonwealth of Pennsylvania, Department of Environmental Protection and a permit obtained from the Bureau of Water Quality Management prior to the construction of sewers or treatment facilities.

D. The Board of Supervisors will approve on-lot sewage disposal systems only when the Township Sewage Enforcement Officer and/or a sanitarian of the Department of Environmental Protection shall certify that both an initial location and a replacement location for the on-lot sewage disposal system are present on each lot and the feasibility report indicates:
   (1) Justification of the project necessitates consideration of this method.
   (2) The soil absorption areas are satisfactory for the type of system proposed.
   (3) Such systems will not endanger groundwater supplies below the level of the absorption system.
   (4) The replacement location shall be of a size and capacity to allow complete abandonment of the initial system in the event of failure.
   (5) The replacement location shall be protected from traffic and neither filling nor excavation shall be allowed within its boundary.

E. The soil absorption tests called for above shall be performed in accordance with the regulations of the Pennsylvania Department of Environmental Protection and shall be certified by the Sewage Enforcement Officer and/or a sanitarian of the Pennsylvania Department of Environmental Protection.

F. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors or Planning Commission, as the case may be, that the subdivision or development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of the Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a

cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

G. The Board of Supervisors will approve individual on-lot water supply systems only when the feasibility study indicates and the Township Engineer certifies that:
   (1) Justification of the project necessitates consideration of this method.
   (2) The water supply yield is adequate for the type of development proposed.
   (3) The installation of such systems will not endanger or decrease groundwater supplies of properties adjacent to the land development.

H. In the case of land developments of five or fewer dwellings existing or proposed, the water supply feasibility study may be waived by the Township Board of Supervisors. However, submission of the appropriate Pennsylvania Department of Environmental Protection Modules for Land Development is required regardless of the number of lots involved.

ARTICLE V: Improvement Specifications

§ 289-5-1. General.

All improvements required by this chapter shall be installed in accordance with Township Construction and Material Specifications, as approved from time to time by resolution of the Board of Supervisors, unless an alternative is directed or approved, in writing, by the Township. All improvements shall further be installed in accordance with the applicable standards, regulations and specification of other governmental agencies having jurisdiction over the project.

§ 289-5-2. Monuments.

A. Monuments shall be cut stone or concrete with a minimum size of six inches by six inches by 30 inches. Monuments must be so placed that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.

B. Location of monuments.
   (1) At the intersection of lines forming angles in the boundaries of the subdivision.
   (2) At the intersection of street lines.
   (3) At change in alignment of streets.
   (4) Removal. Any monuments that are removed must be replaced by a registered engineer or surveyor at the expense of the person removing them.

§ 289-5-3. Streets and aprons.

A. Paving. All streets intended to be dedicated for public use shall be paved to full cartway width as shown on the final plan. In all cases, paving materials and workmanship shall conform to any and all Township regulations and specifications or the Pennsylvania Department of Transportation.

B. Subsurface drainage and all utilities shall be installed prior to placing the street surface.

C. Driveway and access drive entrances or aprons within the street right-of-way shall be surfaced to their full width, the type of surface to be concrete as specified by the engineering specifications for streets.

D. All street signs shall be installed prior to the Township issuing a certificate of occupancy for any structure on a newly created street.

§ 289-5-4. Sewage disposal.

A. Where a public sanitary sewer system is accessible to or plans approved by the Board of Supervisors provide for the installation of such public sanitary sewer facilities within six years, the developer shall provide the development with a complete sanitary sewer system ready to be connected to the existing or proposed sanitary sewer system.
   (1) The plan for the installation of a sanitary sewer system must be prepared for the development and approved by the Township Engineer and the Pennsylvania Department of Environmental Protection. Sewer line construction for dedication and Township operation must be to Township standards and approved by the Township Engineer. A full, Township approved, time inspector is required during all construction work. Review and inspection costs are the developer's responsibility. Storm sewers, roof and footer drains or sump pumps may not be connected to the sanitary sewer. The system must be constructed, inspected, offered for dedication to the Township. Prior to the Township assuming operation of the system, the Township must accept ownership by resolution.

B. Where installation of a public sanitary sewer system is not required, the developer or owner of the lot shall provide for each lot, at the time improvements are erected thereon, a private sewerage disposal system consisting of a septic tank, tile absorption field and an approved replacement field or other sewerage disposal system approved by the Pennsylvania Department of Environmental Protection and the Township Sewage Enforcement Officer. Development of any kind shall be prohibited on the absorption field and approved replacement field.

C. If on-site subsurface or alternate sewage disposal systems as feasible, they must be laid out in accordance with minimum standards of the Sewage Facilities Act (Act 537) Editor's Note: See 35 P.S. § 750.1 et seq. of the Pennsylvania Department of Environmental Protection. The Township and/or the Pennsylvania Department of Environmental Protection must inspect and approve each on-site sewage disposal system.

§ 289-5-5. Water supply.

A. The plan for installation of a water supply system must be prepared for the development with cooperation of the appropriate water supplier. Upon completion of the water supply system, a reproducible as-built plan of the system must be filed with the Township.

B. Where the connection to a public water supply system is not possible or feasible, each lot must be provided with an individual water supply system prior to the issuance of a building permit. All such individual systems shall meet the applicable regulations of the Pennsylvania Department of Environmental Protection.

§ 289-5-6. Storm drainage.

Whenever the evidence available to the Board of Supervisors indicates that natural surface drainage is inadequate, the subdivider shall install a stormwater sewer system in accordance with approved plans and profiles. The system shall be designed by a registered engineer and be approved by the Township Engineer. (See also § 289-6-8).

§ 289-5-7. Curbs and gutters.

A. Curbs shall be installed on both sides of all streets in subdivisions and land developments as herein specified. Curbs shall be the concrete vertical type. The transition from one type of curb to another shall be made only at street intersections and adequate provisions shall be made for driveway entrances. Curbs and gutters are to be constructed within the street right-of-way according to Township specifications.

B. The installation of curbs may be waived by the Board of Supervisors only in the zoning districts and under the conditions specified in this subsection as follows:
   (1) In R-10, R-20, R-R Open Space and General Industrial Districts where the grade, alignment or width of the street has not been firmly established; provided, however, that the developer shall furnish to the Township, financial security guaranteeing the installation of curbs at such time as the grade, alignment or width of the street has been firmly established.

§ 289-5-8. Sidewalks.

A. Sidewalks shall be installed on both sides of all streets in subdivisions and land developments as herein specified. Sidewalks shall be located, if possible, within the street right-of-way line and shall be a minimum of four feet wide except that in the vicinity of shopping centers, schools, parks, recreation areas and other community facilities, they shall be a minimum of five feet wide. A four-foot wide grass planting strip shall be provided between the curb and the sidewalk. Sidewalks shall be constructed of concrete at least four inches thick, underlain by four inches of 3/4 inch crushed stone according to Township Construction and Engineering Specifications.

B. The installation of sidewalks may be waived by the Board of Supervisors in the zoning districts and under the conditions specified in this subsection as follows:
   (1) In R-10, R-20, R-R, Open Space and General Industrial Districts where the grade, alignment or width of the street has not been firmly established; provided, however, that the developer shall furnish to the Township financial security guaranteeing the installation of sidewalks at such time as the grade, alignment or width of the street has been firmly established.
   (2) In R-7 and R-10 Districts, if there are no existing sidewalks within 1,200 feet of the development. "Existing sidewalks" shall mean sidewalks in place of at least 250 feet in length.
   (3) In R-20, R-R and Open Space Districts, if there are no existing sidewalks as above defined within 600 feet of the development.

(4) In a General Industrial District, if there are no existing sidewalks as above defined within 1,200 feet of the development; provided, however the developer shall furnish to the Township financial security guaranteeing the installation of sidewalks at such time as sidewalks shall have been installed within 1,200 feet of the development, but for a period not exceeding two years.
(5) In any zoning district where the parcel of land is 10 or more acres with 100 feet or more of street frontage improved with not more than one residential structure with the remaining land devoted to and actually used for agricultural purposes.
(6) In any zoning district where there are unique physical circumstances or conditions or exceptional topography peculiar to the particular property which make the installation of sidewalks impossible or impracticable.
(7) The Township reserves the right at any future time, upon six (6) months notice from the Township, to require the owner of the property at the time, to install at his own expense in accordance with the then existing specifications of Springettsbury Township, sidewalks along the entire frontage of each lot shown on the plan and curbs along every road within or adjacent to the development.

C. Notwithstanding, the provisions of Subsection B, the requirement of the installation of sidewalks shall not be waived in any zoning district where the development is within 600 feet of a church, school, public park or playground or other community facility, where existing or anticipated pedestrian traffic warrants the installation of sidewalks or where pedestrian traffic in the absence of sidewalks will pose a safety hazard to the pedestrian.

§ 289-5-9. Street name and street sign.

The subdivision shall be provided with street name signs at all intersections. Such signs shall conform to Township specifications as stated in the most current version of the Manual for Traffic Control Devices and shall be installed by the subdivider in a manner specified by the Township Engineer. All proposed street names must be approved by the Township.

§ 289-5-10. Fire hydrants.

Fire hydrants shall be required for all land developments provided with a water supply system. Fire hydrants shall be installed in accordance with the requirements of the Springettsbury Township Fire Chief and all applicable regulations.

§ 289-5-11. Landscaping and buffer yards.

A. In residential subdivisions of six or more lots, the developer shall provide a minimum of one tree per lot or one tree per 100 feet of street frontage or fraction thereof, whichever is greater. These trees are to be a minimum of 1 1/2 inch caliper, planted in the front yard area of the parcel and of a species provided in this section. In all other residential developments and in all commercial and industrial subdivisions and land developments the developer shall provide buffer yards and landscaping in accordance

with this section. Development within the Flexible Development District (F-D) shall follow landscape and buffer yard requirements indicated herein for developments within General Industrial (G-I) Districts.

B. Plant materials. Species selected by the applicant shall reflect the following considerations:
   (1) Existing site conditions and their suitability for plant materials, based upon the site's geology, hydrology, soils, existing vegetation and microclimate.
   (2) Specific functional objectives of the plantings which may include, but not necessarily be limited to, visual screening, noise abatement, protective or safety barriers and aesthetic values.
      (a) Where screening is a functional objective, the predominant trees and shrubs shall be evergreen to provide year-round visual protection.
   (3) Maintenance and replacement considerations such as hardiness, resistance to insects and disease, longevity, availability and cost of plant materials.

C. Buffer yard illustrations one through six depict the buffer yards required two zones. The Board of Supervisors may require landscaping and buffer yard between nonresidential and residential uses when they abut within the same zone. The type of buffer yard required is shown on the Key to Landscaping and Buffer Yard Requirements table. The number of plant units required per 100 linear feet of yard is specified. The number of plant units per 100 linear feet is allowed to vary in accordance with the width of the buffer yard and plant-unit-multiplier. The types of plants for each buffer yard are also specified. The requirements may be satisfied by any of the options illustrated within each buffer yard type. Canopy trees may be selected from the list of street trees, shade trees, evergreen trees and ornamental trees included herein.

D. The plant-unit-multiplier is a factor by which the basis number of plant units are permitted to increase or decrease, given a change in the width of the yard. Existing plants may be used to satisfy the requirements. When a wall, fence or berm is required within a buffer yard, it is specified as a "structure required" and its specifications are given in Figure 1. Within a buffer yard containing a fence or masonry wall:
   (1) At least 15% of the total plants required shall be between the fence or wall and the high intensity use.
   (2) Suitable species and varied heights of plans shall be chose to effectively break up and absorb sound.
   (3) The wall or fence shall be located between the berm and the higher intensity use.

E. Site maintenance and guarantee.
   (1) All landscape and buffer yard requirements shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, but not necessarily limited to, provisions for surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding and watering.

(2) The applicant shall make arrangements acceptable to the Township for the property's long term landscape maintenance. The applicant shall provide the names, addresses and telephone numbers of those persons or organizations who will be assuming such responsibilities.

(3) At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance and/or replacement of the proposed vegetation during an eighteen-month replacement period. In addition, an escrow may be required for the removal and replacement of specimen trees damaged during construction.

(4) Before the applicant, its successors or assigns, removes or replaces any lanscaping or buffer yard vegetation, as shown on the Landscaping Plan, which is part of the approved subdivision or land development plan, the owner shall present the Township with a revised landscaping plan, in conformance with this Ordinance, as it may be amended from time to time. The revised landscaping plan shall be reviewed by the Township Planning Commission. Upon approval by the Township Planning Commission, the revised landscaping plan shall become part of the approved subdivision or land developmen plan, and the owner may make the changes in vegetation as shown on the revised plan. Failure to obtain Township approval before removing or replacing vegetation shown on an approved landscaping plan shall be deemed a violation of this Ordinance, subject to all remedies and penalties set forth herein.

KEY TO LANDSCAPING AND BUFFERYARD REQUIREMENTS

	R-R Rural Residential District	R-20 & R10 Large and Medium Lot Single-Family Residential District	R-7 Small Lot Single-Family Residential District	R-1 High Density Residential District	N-C Neighborhood Commercial District	M-U Mixed Use District	C-H Commercial Highway District	G-I & B-I Industrial Districts	OS Open Space	FP Flood Plain	SS Steep Slope	Arterial Road	Collector Road
R-R Rural Residential District	—	3	3	3	3	4	4	6	—	—	—	1	1
R-20 & R10 Large and Medium Lot Single-Family Residential District	3	—	3	3	3	4	4	6	—	—	—	1	1
R-7 Small Lot Single-Family Residential District	3	3	—	3	3	4	4	6	—	—	—	1	1
R-1 High Density Residential District	3	3	3	—	3	4	4	5	—	—	—	1	1
N-C Neighborhood Commercial District	3	3	3	3	—	4	4	5	—	—	—	2	2
M-U Mixed Use District	4	4	4	4	3	—	3	5	—	—	—	2	2
C-H Commercial Highway District	4	4	4	4	3	3	—	5	—	—	—	2	2
G-I & B-I Industrial Districts	6	6	6	5	5	5	5	—	—	—	—	2	2
O-S Open Space District	—	—	—	—	—	—	—	—	—	—	—	—	—
F-P Floodplain Overlay	—	—	—	—	—	—	—	—	—	—	—	—	—
S-S Steep Slope Overlay	—	—	—	—	—	—	—	—	—	—	—	—	—

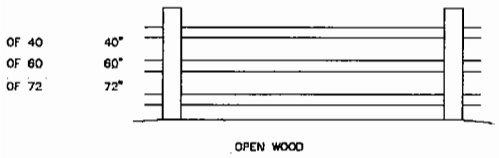
Adjacent Zoning or Land Use

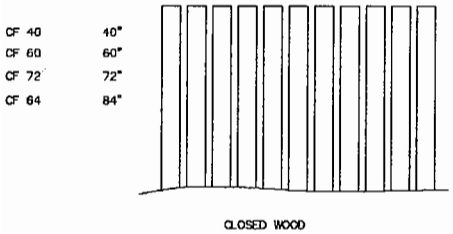
* See Illustrations of Bufferyards 1 through 6 and figure 1 for description of requirements

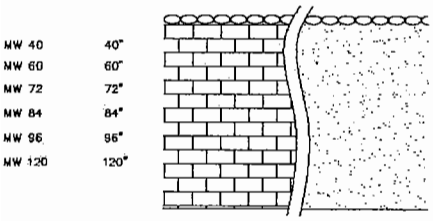
* Bufferyard requirements do not apply in any sight triangle either at street intersections or from access-ways and driveways.

Figure 1: Structural Elements

FENCES AND WALLS

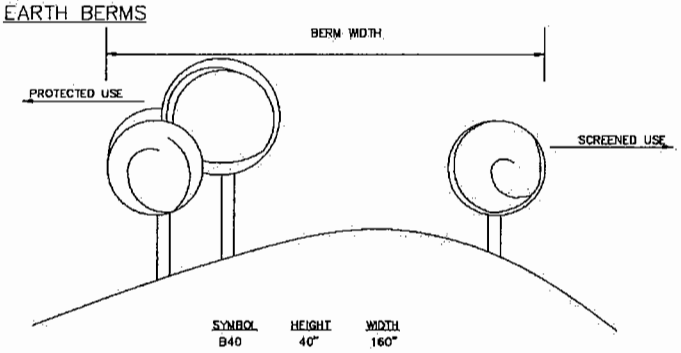






*DECORATIVE REQUIREMENT FOR MATERIALS, TEXTURE, COLOR, FORM AND ARCHITECTURAL CONTEXT.

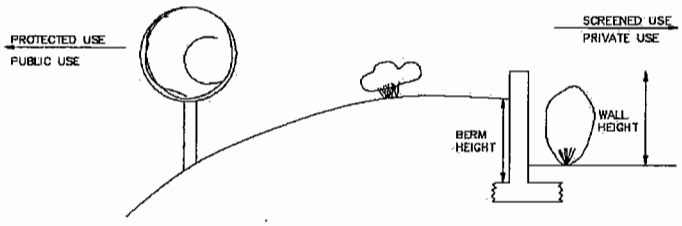
EARTH BERMS



SYMBOL	HEIGHT	WIDTH
B40	40"	160"
B60	60"	240"
B72	72"	288"

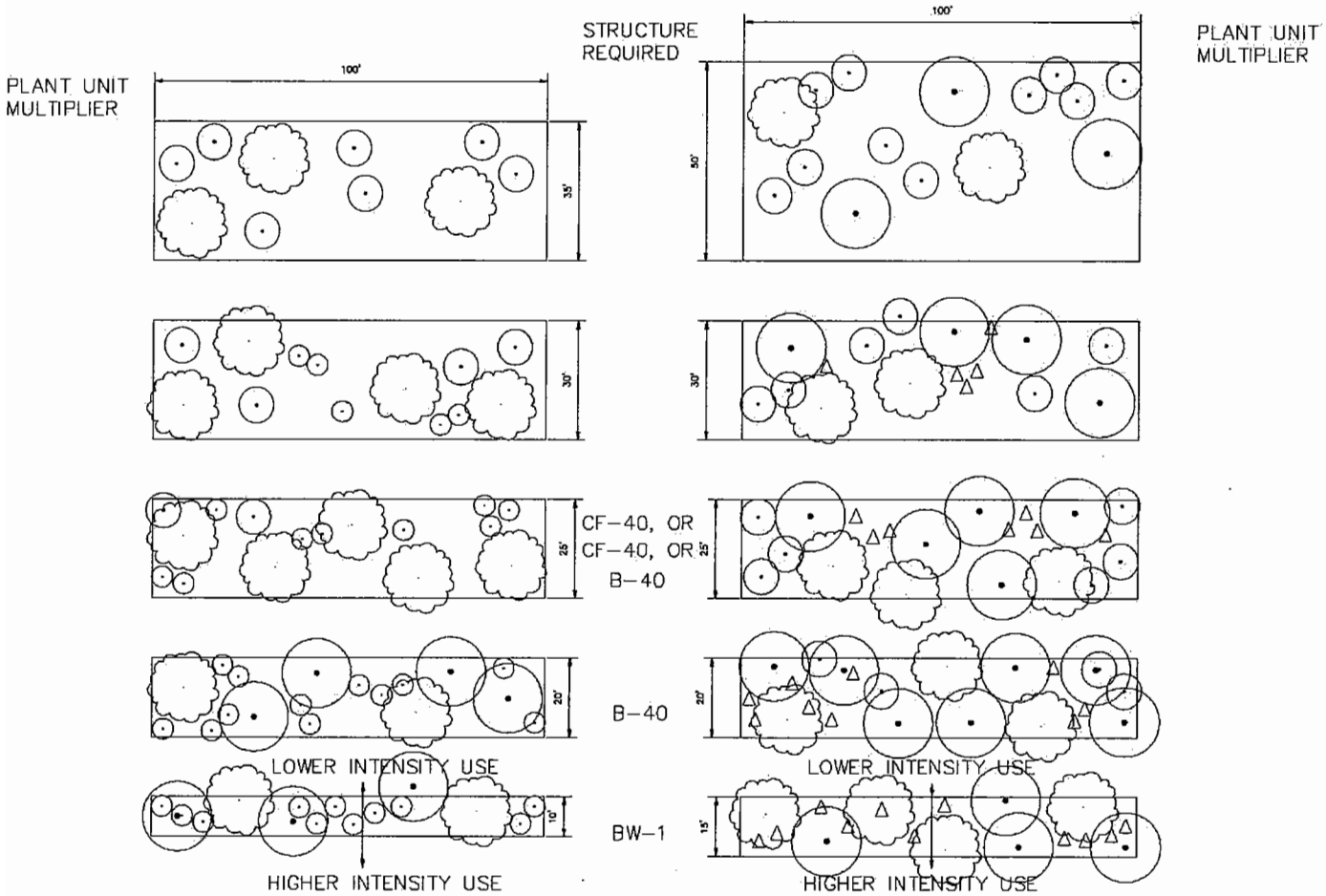
*BERMS MAY UNDULATE BELOW REQUIRES HEIGHT AND WIDTH WHEN OTHER LANDSCAPE BUFFERS COMPENSATE FOR INTIAL VOIDS TO PROVIDE BUFFERING.

BERM WALLS



SYMBOL	HEIGHT
BW-1	30" BERM WITH 40" MASONRY WALL
BW-2	36" BERM WITH 48" MASONRY WALL
BW-3	48" BERM WITH 60" MASONRY WALL
BW-4	60" BERM WITH 72" MASONRY WALL
BW-5	72" BERM WITH 84" MASONRY WALL

Streetscape Buffer Yards



BUFFERYARD 1

REQUIRED PLANT UNITS/100'

6 STREET TREES

15 SHRUBS

GC-SEE NOTE 1

NOTE 1

SINGLY DESIGNATED, OR COMBINATIONS OF LISTED TYPES OF GROUNDCOVER (GC) IS REQUIRED FOR ENTIRE BUFFERYARD AREA.

TYPES:

A. INORGANIC GC.
B. ORGANIC FROM FLATS
C. GRASS SEED MIX

BUFFERYARD 2

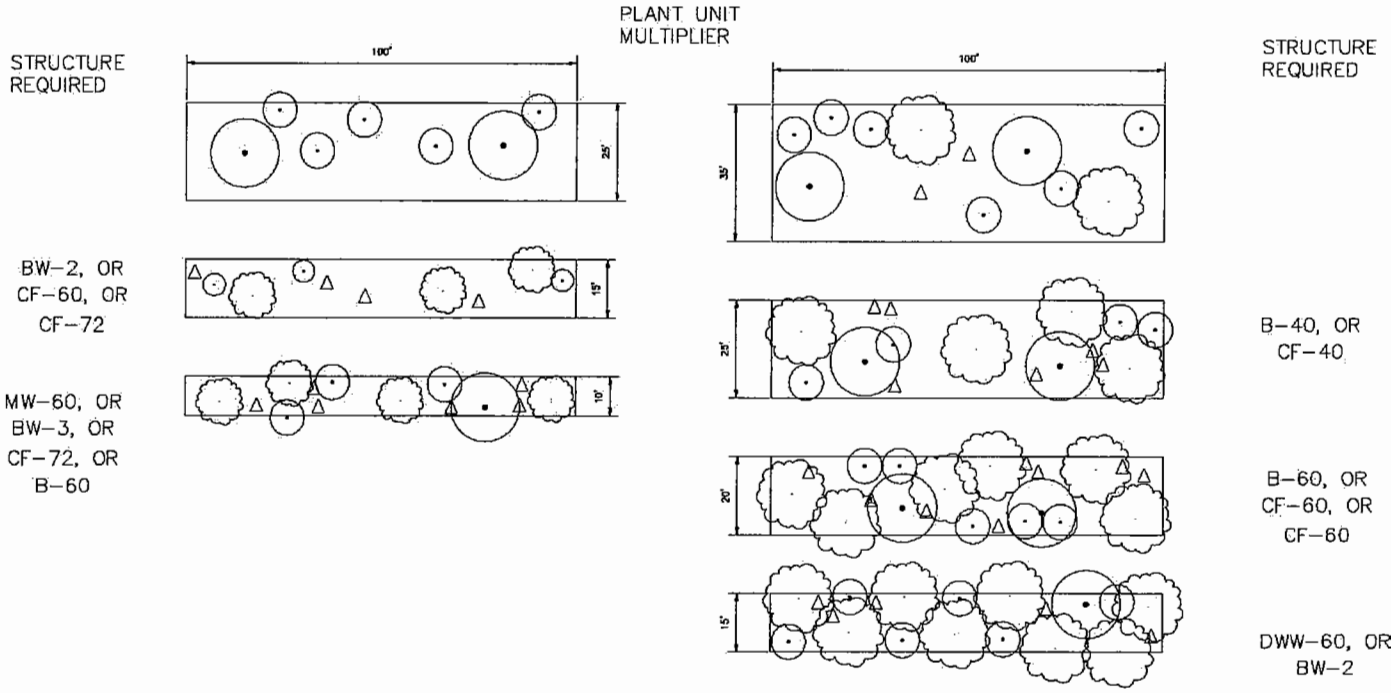
REQUIRED PLANT UNITS/100'

10 STREET TREES

20 SHRUBS

GC-SEE NOTE 1

Mixed Residential Buffer Yards



BUFFERYARD 3

REQUIRED PLANT UNITS/100'

5 CANOPY TREES

12 SHRUBS

GC-SEE NOTE 1

NOTE 1

SINGLY DESIGNATED, OR COMBINATIONS OF LISTED TYPES OF GROUNDCOVER (GC) IS REQUIRED FOR ENTIRE BUFFERYARD AREA.

TYPES:

A. INORGANIC GC.
B. ORGANIC FROM FLATS
C. GRASS SEED MIX

BUFFERYARD 4

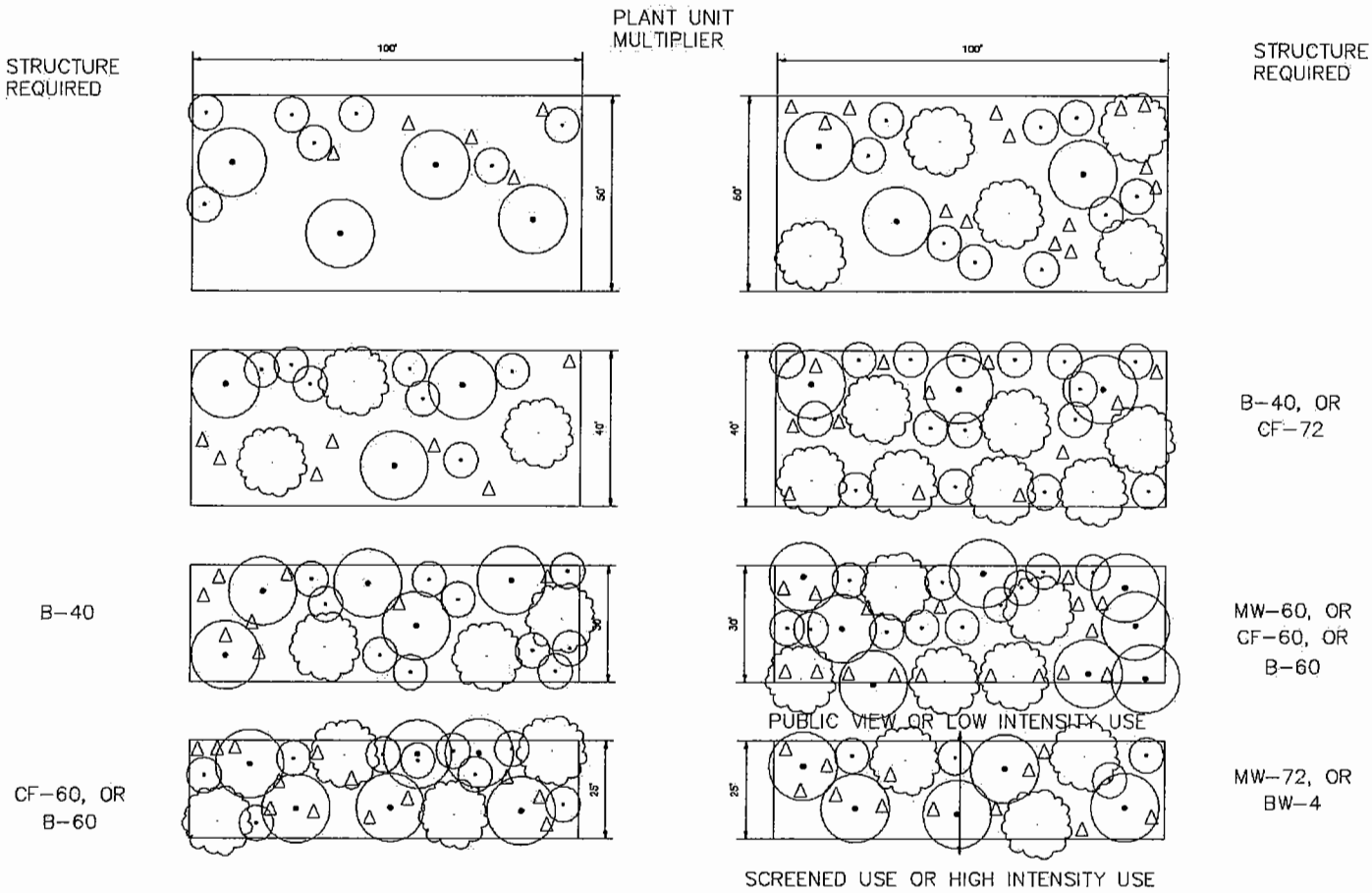
REQUIRED PLANT UNITS/100'

10 CANPY TREES

20 SHRUBS

GC-SEE NOTE 1

Commercial and Industrial Buffer Yards



BUFFERYARD 5

REQUIRED PLANT UNITS/100'

10 CANOPY TREES

24 SHRUBS

GC-SEE NOTE 1

NOTE 1

SINGLY DESIGNATED, OR COMBINATIONS OF LISTED TYPES OF GROUNDCOVER (GC) IS REQUIRED FOR ENTIRE BUFFERYARD AREA.

TYPES:

A. INORGANIC GC.
B. ORGANIC FROM FLATS
C. GRASS SEED MIX

BUFFERYARD 6

REQUIRED PLANT UNITS/100'

13 CANPY TREES

30 SHRUBS

GC-SEE NOTE 1

Recommended Trees and Shrubs for Buffer Yards
Street Trees

Height in Feet at Maturity		
35	Acer buergeranun	Trident Maple
75	Acer Rubrum	Red Maple (N)
100	Acer saccharum	Sugar Maple
45	Acer campestre	Hedge Maple
60	Carpinus betulus	European Hornbeam
60	Cercidi phyllum japonicum	Katsura Tree
80	Ginko bilboa	Maidenhair Tree
30	Koelreuteria paniculata	Panicled Goldenrain
50	Prunus sargentii	Sargent Cherry
75	Quercus imbricaria	Shingle Oak
80	Quercus macrocarda	Bur Oak (N)
70	Quercus palustris	Pin Oak
75	Quercus rubra	Red Oak (N)
75	Quercus shumardii	Shumark Oak (N)
70	Quercus prinus	Chestnut Oak (N)
100	Taxodium distichum	Bald Cypress (N)
70	Tilia tomentosa	Silver Linden
90	Tilia cordata	Littleleaf Linden
80	Zelkova serrata	Japanese Zelkova
40	Ostrya virginiana	Hop Hornbeam (N)
75	Liquidambar Styraciflua	Sweet Gum (N)

Recommended Trees and Shrubs for Buffer Yards
Shade Trees

Height in Feet at Maturity		
75	Acer rubrum	Red Maple (N)
30	Amerlanchier canadensis	Shadbush, Serviceberry, Juneberry (N)
75	Betula lenta	Cherry Birch (N)
80	Betula nigra	River Birch (N)
35	Carpinus caroliniana	Ironwood, American Hornbeam (N)
30	Chionanthus virginicus	Fringetree (N)
50	Cladrastis lutea	American Yellow-wood (N)
25	Cornus kousa	Japanese Dogwood (N)
25	Cornus mas	Cornelian Cherry
35	Cornus flordia	Flowering Dogwood (N)
30	Koelreuteria paniculata	Penicled Goldenrain
100	Latrix decidua	European Larch
30	Malus floribunda	Japanese Flowering Crab
30	Oxydendrum arboreum	Sourwood (N)
20	Prunus serrulata cv Kwanzan	Kwanzan (Cherry)
30	Pyrus calleryana cv Bradford	Bradford Pear
30	Pyrus calleryana cv Aristocrat	Aristocrat
30	Pyrus calleryana cv Autumn	Autumn Blaze
30	Pyrus calleryana cv Capital	Capital
30	Pyrus calleryana cv Chanticlear	Chanticlear
30	Pyrus calleryana cv Fauriei	Fauriei
30	Pyrus calleryana cv Redspire	Redspire
30	Pyrus calleryana cv Trinity	Trinity
30	Pyrus calleryana cv Whitehouse	Whitehouse
45	Quercus acutissima	Sawtooth Oak
80	Quercus borealis (rubra)	Norther Red Oak
80	Quercus coccinea	Scarlet Oak (N)
80	Quercus imbricaria	Shingle Oak (N)
80	Quercus macrocarpa	Bur Oak (N)
80	Quercus montana	Chestnut Oak (N)
80	Quercus velutina	Black Oak (N)
70	Taxodium distichum	Bald Cypress (N)

60	Tilia cordata	Little European Linden
90	T.tomentosa	Silver Linden
40	Ulmus parvifolia	Chinese Elm
80	Zelkova serrata	Japanese Zelkova

Recommended Trees and Shrubs for Buffer Yards
Ornamental Trees

Height in Feet at Maturity		
30	Amerlanchie canadensis	Shadbus, Serviceberry, Juneberry (N)
80	Betula nigra	River Birch (N)
35	Carpinus caroliniana	Ironwood, American Hornbeam (N)
30	Chionanthus virginicus	Fringetree (N)
50	Cladrastis lutea	American Yellow-wood (N)
25	Cornus kousa	Japanese Dogwood (N)
25	Cornus mas	Cornelian Cherry
35	Cornus floridia	Flowering Dogwood (N)
30	Koelreuteria paniculata	Panicled Goldenrain
30	Malus floribunda	Japanese Flowering Crab
30	Oxydendrum arboreum	Sourwood (N)
20	Prunus serrulata cv Kwanzan	Kwanzan (Cherry)
30	Pyrus calleryana cv Aristocrat	Aristocrat
30	Pyrus calleryana cv Autumn Blaze	Autumn Blaze
30	Pyrus calleryana cv Capital	Capital
30	Pyrus calleryana cv Chanticlear	Chanticlear
30	Pyrus calleryana cv Fauriei	Fauriei
30	Pyrus calleryana cv Redspire	Redspire
30	Pyrus calleryana cv Trinity	Trinity
30	Pyrus calleryana cv Whitehouse	Whitehouse

Recommended Trees and Shrubs for Buffer Yards
Evergreens

Height in Feet at Maturity		
90	Abies concolor	White Fir (N)
45	Ilex opaca	American Holly (N)
70	Juniperus virginiana	Red Cedar (N)
100	Pinus strobus	White Pine (N)
40	Pinus cv Fastigiata	Pyramidal White Pine
90	Pinus thunbergi	Japanese Black Pine
100	Pseudotsuga taxifolia	Douglas Fir
50	Thuja occidentalis	American Arborvitae
90	Tsuga canadensis	Hemlock
60	Picea omorika	Serbian Spruce
60	Picea orientalis	Oriental Spruce

Recommended Trees and Shrubs for Buffer Yards
Native Shrubs

Height in Feet at Maturity		
8-12	Aesculus parviflora	Bottlebrush Buckeye
9	Aronia arbutifolia	Red Chokeberry
8	Aronia melanocarpa	Black Chokeberry
5	Callicarpa americana	Beautyberry
12	Calycanthus floridus	Sweetshrub
10	Caphalanthus occidentalis	Buttonbush
18	Clethra acuminata	Summersweet
18	Clethra alnifolia	Summersweet
9	Cornus amomum	Silk Dogwood
10	Cornus sericea	Red Osier Dogwood
9	Fothergilla major	Fothergilla
15	Hamamelis virginiana	Witch Hazel
8	Hydrangea quercifolia	Oak-leaved Hydrangea
3-9	Itea virginica	Sweetspire
9	Ilex glabra	Inkberry

10	I. Verticillata	Winterberry
6	Kalmia latifolia named varieties	Mountain Laurea
5	Leucothoe fontanesiana	Luecothoe
8	Lindera benzion	Spice Bush
20	Magnolia virginiana	Sweet Bay
9	Myrica pensylvanica	Bayberry
6	Pieris floribunda	Mountain Andromeda
9	Rhododendron arborescens	Sweet Azalea
2	Rhododendron atlanticum	Coast Azalea
6	Rhododendron bakeri	Cumberland Azalea
10	Rhododendron calendulaceum	Flame Azalea
10	Rhododendron canadense	Catawba Rhododendron
6	Rhododendron carolinianum	Carolina Rhododendron
12	Rhododendron fortunei	Fortune Rhododendron
6-10	Rhododendron x gandavense	Ghent Azalea
3	Rhododendron obtusum	Hirya Azalea
3	Rhododendron obtusum kaempferi	Torch Azalea
3	Rhododendron schlippenbachii	Royal Azalea
12-20	Rhododendrum maximum	Rosebay
6	Rhododendron nudiflorum	Pinxterbloom Azalea
6	Rhododendron vaseyi	Pinkshell Azalea
6	Rhododendron viscosum	Swamp azalea
8	Rhus aromatica	Fragrant Sumac
20	R. copallina	Shining Sumac
15	Rhus glabra	Smooth Sumac
20	Rhus typhina	Staghorn Sumac
12	Sambucus canadensis	Elderberry
6	Symphoricarpos albus leavigatus	Snowberry
5	Symphoricarpos orbiculatus	Coralberry
6-10	Vaccinium corymbosum	Blueberry
5	Viburnum acerifolium	Mapleleaf Viburnum
6	Viburnum cassinoides	Witherod
10	Viburnum dentatum	Arrowwood
15	Viburnum nudum	Smooth Witherod
15	Viburnum prunifolium	Black Haw
10	Viburnum trilobum	American Cranberry
5	Abelia grandiflora	Glossy Abelia
3	Cotoneaster apiculata	Cranberry Cotoneaster

3	Cotoneaster conspicua	Wintergreen Cotoneaster
6	Cotoneaster divaricata	Spreading Cotoneaster
30	Enkianthus campanulatus	Redvien Enkianthus
3	C. horizontalia	Rock Spray Cotoneaster
9	Euonymus alatus Forsythia	Buringbush or Winged
10	cv Beatric Farrand	Forsythia
10	Lynwood	
10	Spring Glory	
15	Hamamelis x intermedia Cv Arnold	Arnold's Promise Witch Hazel
15	Hibiscus syriacus	Rose of Sharon or Althea
3	Hydrangea arborescens cv Grandiflora	Hills of Snow
1.5	Supericum patulum cv Hidcote	Hidcote St. JohnswortMock
20	Ilex crenata	Japanese Holly
4	Ilex crenata cv Helleri	Helleri Holly
10	Ilex x Meservea Juniperus horizontalia	Blue Holly series Creeping
2	cv Bar Harbor	Bar Harbor
2	Emerson	Black Hill Creeper
2	Wiltonii	Blue Rug
15	Philadelphus spp.	Mock-orange
8	Pieris japonica	Japanese Andromeda
8	Pinus mugo mugo	Mugo Pine
15	Prunus laurocerasus	Cherry-laurel
6	Spirea x vanhouttei	Vanhoutte Spirea
60	Taxus buccata	English Yew
50	Taxus cuspidata	Japanese Yew
8	Viburnum carlesii	Spice Viburnum
9	Viburnum dilatatum	Linden Viburnum
8	Viburnum plicatum cv Mariesii	Doublefile Viburnum

§ 289-5-12. Streetlights.

Streetlights shall be required to be installed in all subdivisions and land developments in all zoning districts and shall be in accordance with Township Construction and Engineering Specifications.

§ 289-5-13. Changes.

In cases where any of the foregoing requirements are not deemed appropriate by the Board of Supervisors to serve in the public interest, the Board of Supervisors reserves the

right to increase, change, alter or substitute materials, manner and specifications for any utility or street improvement.

§ 289-5-14. Performance requirements.

A. No plan shall be finally approved unless the streets shown on such plan 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, streetlights, fire hydrants, shade trees, water mains, sanitary sewer, stormwater sewer, stormwater detention/retention basins or related drainage facilities, recreation facilities, open space improvements, landscaping or buffer yards required by this chapter, any other ordinance of the Township of as specified by the Board of Supervisors, have been installed or the installation of the same has been guaranteed, in writing, by the developer with financial security as hereinafter provided.

B. Guarantee of future performance. In lieu of the completion of any improvements required as a condition for the final approval of a plan, the developer may deposit with the township financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. The developer 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.

C. Such financial security shall be secured to the Township within ninety (90) days of conditional approval of final plan. The conditional approval shall expire and be deemed to be revoked if the financial security is not provided within 90 days unless a written extension is granted by the Board of Supervisors; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
   (1) Without limitation as to other types of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
   (2) 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.
   (3) 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.

(4) The amount of financial security to be posted for the completion of the required improvement shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the municipality may adjust the amount of the financial security by comparing the actual cost of the improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posed by the developer in accordance with this subsection.

(5) The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the developer and prepared by a professional engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer may refuse to accept such estimate for good cause shown. If the developer and the township are unable to agree upon an estimate, then the etsimate shall be recalculated and are certified by another professional engineer and chosen mutually by the Township and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall e the final estimate. In the event that a third engineer is chosen, fees for the services of said engineer shall be paid equally by the Township and the developer."

D. Long term projects. If the party posting the financial security required more than one year from the date of posting of the financials security to compete 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 loan amount not exceeding 10% 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.

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

of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements

F. Dedication and maintenance.
   (1) Dedication. Upon installation and completion of all required improvements in a manner satisfactory to the Township evidenced by the Township's approval, in writing, or by inaction of the Board of Supervisors upon the developer's request for release of financial security, the developer shall make a written offer of dedication to the Township of all the improvements intended for public use. The Board of Supervisors shall thereupon by Resolution accept all or such portions of the improvements offered for dedication as the Board shall, at its sole discretion, determine; provided, the developer shall have filed with the Township financial security for the maintenance of the accepted improvements as hereinafter set forth. See Exhibit A for a list of documentation typically required.
   (2) Financial security for maintenance. Before the Board of Supervisors shall accept an offer of dedication for all or any portion of the public improvements installed and completed by the developer, the Board shall require the developer to file with the Township construction record plans of all public improvements and a written guarantee of the structural integrity of the offered improvements and the functioning of the same in accordance with the design and specifications of the approved plan for a period of 18 months, such written guarantee shall be secured to the Township by one of the forms of financial security specified in this section in an amount not exceeding 15% of the actual cost of the dedicated improvements.

G. Public utilities and municipal authorities. Where water mains and/or sanitary sewers and such apparatus and facilities as relate thereto are to be installed and completed by the developer as a requirement of an approved plan, such improvements shall be installed under the jurisdiction and pursuant to the rules and regulations of the public utility or municipal authority to which such improvements are intended to be assigned or dedicated and the financial security therefore shall be filed in accordance with the rules and regulations of the controlling public utility or municipal authority and no financial security shall therefore be required by the Township as provided in this chapter. "Municipal authority" as used in this section shall not mean or include the Springettsbury Township and any sanitary sewers and appurtenant facilities required for any subdivision or land development shall be secured and installed as provided in this chapter.

H. Building permits. Where a developer has filed financial security as provided in the foregoing section of this chapter, the issuance of building, grading, occupancy or other permits for or within the development shall not be withheld or conditioned upon the installation of the required improvements; provided, however, that occupancy permits for any buildings erected may be withheld until the improvement of the streets providing access to and from existing public streets and such building shall be mud-free or otherwise in a permanently passable condition and all other required improvements necessary for reasonable use or occupancy of such buildings have been

installed. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. This authority to deny such permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to ay such owner, current owner, vendee or lessee for the development of any such real property, the township may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property."

I. Default by developer.

(1) In the event that a developer shall default on an agreement guaranteeing the installation and completion of any required improvements or shall default on an agreement guaranteeing the maintenance of any such improvements after acceptance of dedication by the Township, the Township may cause any required improvements to be installed and completed or maintenance performed and enforced against the financial security recovery of the cost of the same by any appropriate legal or equitable remedy.

(2) Where the financial security shall be a corporate surety bond, reasonable opportunity shall be given the surety company to install and complete the required improvements or perform any required maintenance, but absent such performance by the surety company, the Township shall by its own personnel and equipment or by contract with a responsible contractor install and complete the improvements or perform the maintenance and collect all necessary cost thereof from the surety company.

(3) Where the financial security shall be an escrow account or a letter of credit, the Township shall by it's own personnel and equipment, or by contract with a responsible contractor, install and complete the improvements or perform the maintenance and collect all cost thereof from the escrow account or by presentation of the letter of credit.

§ 289-5-15. Utilities.

Electric, telephone and all other utility facilities, including cable television shall be installed underground unless, in the opinion of the Board of Supervisors, special

conditions required otherwise. The subdivider shall also be required, prior to Township approval, to obtain a letter from the appropriate utility company confirming the subdivider has entered into an agreement to provide for an underground electric system in accordance with the Pennsylvania Public Utility Commission Investigation Docket No. 99, as amended from time to time, or has obtained a waiver from said Pennsylvania Public Utility Commission to allow overhead electric facilities.

ARTICLE VI: Design Standards

§ 289-6-1. General.

A. The standards and requirements contained in this chapter are intended as the minimum for the promotion of the public health, safety and general welfare and shall be applied as such by the Township Planning Commission in reviewing all subdivision plans. Land subject to hazards to life, health or property such as may arise from fire, flood, diseases or other causes shall not be subdivided for building purposes unless the hazards have been eliminated or unless the plans show adequate safeguard against them.

B. All improvements required by this chapter shall be installed in accordance with Township Construction and Material Specifications, as approved from time to time by resolution of the Board of Supervisors, unless an alternative is directed or approved, in writing, by the Township. All improvements shall further be installed in accordance with the applicable standards, regulations and specifications of other governmental agencies having jurisdiction over the project.

§ 289-6-2. Proposed street system.

A. General standards.
   (1) The location and width of all streets shall conform to the Comprehensive Plan or other "official plans" or to such parts thereof as may have been adopted by the Township.
   (2) The proposed street system shall extend existing or recorded streets at the same width, but in no case at less than the required minimum width.
   (3) Where a subdivision abuts an existing street of improper width or alignment, the Township Supervisors shall require the dedication of land sufficient to widen the street or correct the alignment and may require improvements to Township standards prior to dedication.
   (4) Direct access to an arterial or collector road shall be permitted only when the subject property has no other reasonable access to the street system and only if the Township Engineer determines that the proposed access point onto the street can be accommodated safely by meeting PennDOT Safe Site Distance and sufficient traffic gaps to safely enter and exit the access point.
   (5) Except for Traditional Neighborhood developments approved according to the Springettsbury Township Zoning Ordinance, private streets must conform to the specifications and requirements of public streets as specified in this chapter, and properties located on private streets must comply with all zoning and subdivision and land development requirements, as if they were located on public streets. A deed of dedication of private streets shall not be accepted by the Township until said streets are upgraded to the then-current specifications and standards for public streets, with the upgrading cost to be borne by the developer and/or the current owners.

(6) Subdivisions consisting of more than 25 dwelling units or units of occupancy, or in the case of nonresidential developments, not more than 250 average daily vehicle trips based on the latest edition of the ITE manual, shall have at least two points of access. This access is to be from a through street or, where the Township finds it to be appropriate, the continuation of an existing or proposed streets to the boundary of the subdivision.

B. Half and partial streets. Half or partial streets will not be permitted, except where satisfactory assurance for dedication of the remaining part of the street can be obtained, in writing, by the subdivider or where needed to complete existing half streets.

C. Street widths. Minimum street right-of-way and cartway (pavement) widths shall be as shown on the "official plan" or Comprehensive Plan, or if not shown on such plans, shall be as follows: Cul-de-sac in conflict with "J" below.

Street Type	**Required Widths (in feet)**
Local Street	
Right-of-way	50
Cartway	26
Collector Street	
Right-of-way	60
Cartway	34 or 36, (as approved by the Township Engineer)
Minor Arterial Street	
Right-of-way	80
Cartway	40
Major Arterial Street	
Right-of-way	80
Cartway	40
Cul-de-sac (residential)	
Right-of-way (radius)	50
Cartway (radius)	40
Cul-de-sac (industrial or commercial)	
Right-of-way (radius)	65
Cartway (radius)	55

Additional right-of-way and cartway widths may be required by the Township Board of Supervisors for the purpose of promoting public safety and conveniences or to provide parking in commercial and industrial areas and in areas of high density residential development.

D. Grades.

(1) Street center line grades shall not exceed the following:

	Minimum Grade	Maximum Grade
Major arterial street	1%	6%
Minor arterial street	1%	6%
Collector street	1%	6%
Local street	1%	10%

(2) Grades up to 14% may be permitted for a distance of less than 500 feet on a through minor street where access to the street is possible over streets with grades of 10% or less.

(3) Leveling area. Where the grade of any street at the approach to an intersection exceeds 7% a leveling area shall be provided having not greater than 4% grades for a distance of 25 feet measured from the nearest right-of-way line of the intersecting street.

E. Vertical curves. Vertical curves shall be used at changes of grades and shall be designed in relation to the extent of the grade changes.

F. Intersection design.

(1) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than 75°.

(2) Multiple intersections involving the junction or crossing of more than two streets shall be prohibited. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.

(3) To the fullest extent possible, intersections with arterial streets shall be located not less than 800 feet apart, measured from center line to center line.

(4) The distance between street intersections shall not exceed 1,800 feet nor be less than 600 feet except when authorized by the Planning Commission for reason of topographic features.

(5) Streets entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of 150 feet between their center lines. Such separations shall not be allowed if one of the streets is a major or minor arterial street.

(6) Minimum curb radii at street intersections shall be 25 feet for intersections involving only local streets, 35 feet for intersections including other type streets or such greater radius as is suitable to the specific intersection.

G. Street alignment. The design of collector and local streets or roads shall meet the minimum geometrical design requirements as specified by the American Association of State Highway Officials Manual.

H. Crown. There shall be a three-inch crown on all proposed twenty-six-foot cartways, a four-inch crown on all proposed thirty-four- or thirty-six-foot cartways and a six-inch crown on all proposed forty-foot cartways.

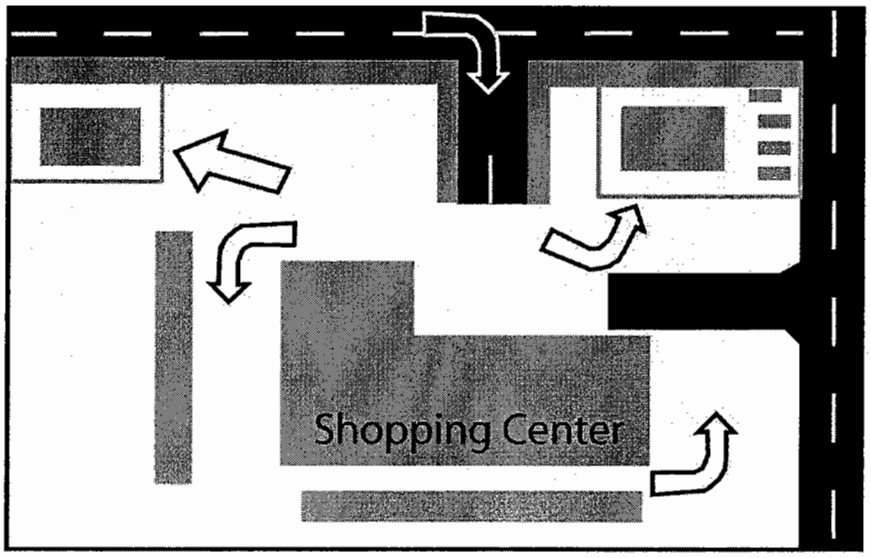
I. Access drives.
   (1) Width. Minimum 10 feet, maximum 35 feet.
   (2) There may a maximum of two per lot on each street frontage.
   (3) An access drive may not cross a street right-of-way line:
      (a) Within 40 feet of the right-of-way line of two intersecting streets or, if joined by a curve, not less than 10 feet from the point of tangency.
      (b) Within five feet of a fire hydrant.
      (c) Within 40 feet of another access drive on the same property excepting dual access drives may be not less than six feet apart.
      (d) Within three feet of a property line other than at a street intersection in residential districts, 30 feet in the industrial districts and 20 feet in all other districts.
      (e) Common access drives may be permitted when agreed to, in writing, by adjoining property owners.
   (4) The minimum angle between the center line of the access drive and the street shall not be less than 65°. An access drive must be located in safe relationship to sight distance and barriers to vision. The drive slope shall not exceed 5% within 25 feet of the street right-of-way and may not exceed 12% for the remainder of the drive. Where a drive enters the right-of-way through a cut, the banks of the cut shall not exceed 50% in slope within 25 feet of the street right-of-way. The height of the bank shall not exceed three feet within 20 feet of the street. All access drives shall be graded to the final street elevation at the point which they intersect the street.
   (5) Access drive channelization.
      (a) For high and medium volume access drives, channelization islands and medians shall be used to separate conflicting traffic movements into specified lanes to facilitate orderly movements for vehicles and pedestrians.
      (b) Where the Township Engineer's review of the traffic impact study finds it to be necessary to restrict particular turning movements at an access drive, due to the potential disruption to the orderly flow of traffic or as a result of sight distance constraints, the Township Engineer may require a raised channelization island.
      (c) Raised channelization islands shall be designed with criteria consistent with the latest AASHTO publication entitled "A Policy on Geometric Design of Highways and Streets."
      (d) Raised channelization islands shall be designed using mountable curb, unless otherwise specified by the Township Engineer.
   (6) Access drive throat length.
      (a) For minimum use access drives, the throat length shall be a minimum of 25 feet.
      (b) For low volume access drives, the throat length shall be a minimum of 50 feet or as determined by queuing analysis in the traffic impact study.

(c) For medium volume access drives, the throat length shall be a minimum of 120 feet or as determined by queuing analysis in the traffic impact study.
(d) For high volume access drives, the throat length shall be a minimum of 150 feet or as determined by queuing analysis in the traffic impact study.
(e) Exceptions to the above access drive length requirements shall be reviewed by the Township Engineer for Township maintained streets and by PennDOT for state maintained roadways.

(7) Off-street parking, loading and unloading areas shall be separated from the public right-of-way by a planting strip 10 feet in width, excepting where access drives are permitted.

(8) Acceleration and deceleration lanes paralleling the street may be required to permit safe ingress or egress to a development.

(9) Access to outparcels.
(a) Commercial and office developments under the same ownership, consolidated for the purposes of development or phased developments comprised of more than one building site shall be served by an internal road that is separated from the main roadway.
(b) All access to outparcels shall be internalized using the internal roadway.
(c) The access drives for outparcels shall be designed to allow safe and efficient ingress and egress movements from the internal road.
(d) The internal circulation roads shall be designed to avoid excessive queuing across parking aisles.
(e) The design of the internal road shall be in accordance with all other sections of this ordinance.
(f) All necessary easements and agreements required under Section J(3) above shall be met.
(g) The Township Engineer may require an access covenant to restrict an outparcel to internal access only.



Internal Access to Outparcels

(10) Joint and cross access.

(a) The Township Engineer may require a joint access drive in order to achieve the following access drive spacing standards that are desirable for arterial and collector roads in accordance with the review of the traffic impact study:

(a) Major arterial: 600 feet.

(b) Minor arterial: 400 feet.

(c) Collector: 200 feet.

(b) Adjacent non-residential properties should provide a joint or cross access drive to allow circulation between sites wherever feasible along roadways classified as collectors or arterials in accordance with the Springettsbury Township Street Map. The following shall apply to joint and cross access drives:

(a) The access drive shall have a design speed of 10 mph and have sufficient width to accommodate two-way traffic including the largest vehicle expected to frequently access the properties.

(b) A circulation plan that may include coordinated or shared parking shall be required.

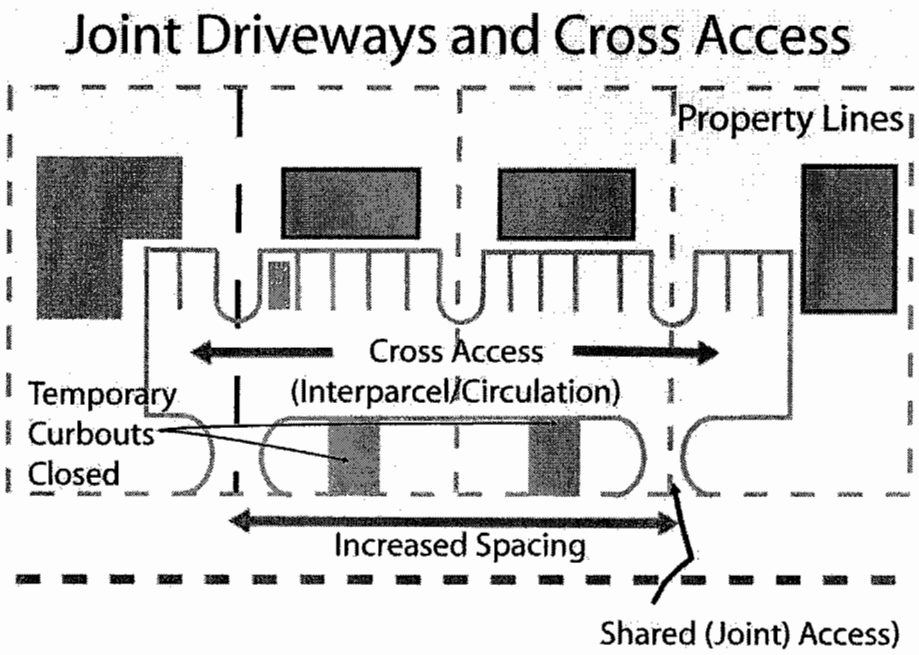
(c) Features shall be included in the design to make it visually obvious that abutting properties shall be tied in to provide cross access.

(c) The property owners along a joint or cross access drive shall:

(a) Record an easement with the deed allowing cross access to and from other properties served by the access drive.

(b) Record an agreement with the Township so that future access rights along the access drive shall be granted at the discretion of the Township and the design shall be approved by the Township Engineer.

(c) Record a joint agreement with the deed defining the maintenance responsibilities of each of the property owners located along the access drive.



J. Cul-de-sac and loop streets.
   (1) Permanent cul-de-sac streets and loop streets are not allowed when a through street is feasible as determined by the Township Engineer.
   (2) Cul-de-sacs in residential developments shall be provided at the closed end with a paved turnaround having a minimum radius to the outer pavement edge or curbline of 40 feet and a property line radius of 50 feet.
   (3) Cul-de-sacs in commercial and industrial developments shall be provided with a paved turnaround having a minimum radius to the outer edge of the pavement or curbline of 55 feet and a property line radius of 65 feet.
   (4) Stub streets. When future extension is desirable, the right-of-way shall be placed adjacent to a property line and right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract.
   (5) Temporary dead end streets, on approved plans, may be used provided that the developer, on his own land, constructs a stabilized all-weather turnaround of the same radius as would be required for a permanent street. The turnaround is to be removed when the street is continued.
   (6) Temporary or permanent loop streets or cul-de-sacs shall not exceed a center line distance of 600 feet in length as measured from the center line intersection of the through street to the center of the cul-de-sac turnaround, or to the most distant point on the loop street center line.
   (7) The minimum cul-de-sac or loop street length is 250 feet, to be measured as described in Subsection J(6) above.
   (8) Cul-de-sacs and loop streets, whether existing or proposed, shall provide access to not more than 25 dwelling units or units of occupancy, or in the case of nonresidential developments, not more than 250 average daily vehicle trips based on the latest edition of the ITE manual.

K. Procedure for public dedication.
   (1) Submittal of Required Documentation. The Township must have the adoption letter and the signed, sealed, and recorded plans prior to approval of any road dedication.
   (2) Field Inspection. The Township's field inspector must verify that existing conditions match the approved land development and subdivision plan regarding the construction of stormwater improvements, sanitary sewer improvements, street construction, landscaping, street signage, and street lighting, prior to approval of any road dedication.
   (3) Financial Security. Documentation supporting financial security for construction bonds and maintenance bonds must be submitted to the Township prior to approving any proposed road dedication.
   (4) Utility Company Concurrence Letter. Documentation must be provided which states that the electrical company has inspected the street lighting and their standards have been met, prior to approval of any road dedication.
   (5) Outstanding Fees. All outstanding fees must be paid in full to the Township prior to approval of any road dedication.

§ 289-6-3. Obstructions to vision.

A. Safe sight distances shall be maintained for all permitted turning movements at all street, access drive and driveway intersections.
   (1) No wall, fence, sign or other structure shall be erected or altered and no hedge, trees, shrubs or other growth shall be maintained or permitted which may cause danger to traffic on a street or public road by obscuring the view.
   (2) Minimum sight distance requirements shall be in accordance with PennDOT's Publications 441 and 282 for driveways and access drives, Publication 70 for local streets or Publication 13M-Design Manual Part 2 for state highways.
   (3) Access drives and intersecting roadways shall be designed and located so that the sight distance is optimized to the degree possible without jeopardizing other requirements such as intersection spacing and at least minimum sight distance requirements are met.

B. At all intersections of streets, private roads and/or access drives a clear sight triangle shall be maintained. Proper sight lines must be maintained at all street intersections, private roads and/or access drives. Clear sight triangles of 75 feet for all collector streets, local streets, loop streets and cul-de-sacs and 150 feet for all arterial streets measured along street center lines from their points of junction shall be provided at all intersections. No building, structure, grade or planting higher than two feet above the center line of the street shall be permitted within such sight triangle or in any area between the cartway and the right-of-way. Where no such right-of-way is defined, there shall be no such plantings over two feet tall for a distance of 25 feet from the center line for local streets and 30 feet from the center line for collector streets.

§ 289-6-4. Building lines.

A. Setback adjustment.
   (1) Where subsurface disposal is to be located on the lot and adjacent right-of-way line, the building line shall be adequate to provide area for the subsurface drainage field and a replacement absorption area. For other than residential lots, the Planning Commission may require additional setbacks.
   (2) Where topographic or other physical conditions dictate, the Planning Commission may increase or decrease the setback.

B. Side building lines. Side lot lines shall be substantially at right angles to street lines. Side building lines shall be as required by Chapter 325, Zoning.

C. Rear building lots. Rear building lines shall be as required by Chapter 325, Zoning.

§ 289-6-5. Lots.

A. Layout. All lots must abut a street and be of size, shape and orientation appropriate for the type of development and use contemplated. Side lot lines should be at right angles or radial to street lines.

B. Lot dimensions. The dimensions of lots must conform to the applicable zoning regulations for the districts in which the development is contemplated.

C. Lot dimension increased; percolation tests. The size of lots shall be increased wherever septic tanks and/or private wells are to be used and the required percolation tests indicate that a larger lot area is required. The subdivider shall consult the Sewage Enforcement Officer before establishing lot sizes. There shall be a minimum of two percolation tests per lot or more if deemed necessary by the Sewage Enforcement Officer. The lot shall be large enough to provide for minimum specified absorption field and replacement area. A development easement shall be placed over both the absorption field and the replacement area such that no development can occur on either area.

D. Double frontage. Lots shall not be permitted with double frontage except where necessary along a major street, a railroad, a creek, a land use or natural barrier where unusual conditions make it desirable to have a lot face on two streets.

E. Planting screen. Where lots abut on a major street or other uses with an adverse effect upon the lots being laid out, landscaping and buffer yards shall be provided as required in § 289-5-11 of this chapter.

F. Corner lots. Corner lots shall be increased in size to permit the required setbacks from both streets. Sight distance per § 289-6-3 must be observed on all corner lots.

§ 289-6-6. Sewage disposal requirements.

Based upon the results of the feasibility report required in § 289-4-10, the development must be provided with sanitary sewage disposal facilities as follows:

A. Where there is an existing public sanitary sewer system within 1,000 feet of the nearest point of the proposed development, a complete sanitary sewage collection system must be installed and connected to the existing public sanitary sewer system.

B. Where there is no existing public sanitary sewer system, but a public sanitary sewer system is to be installed within 1,000 feet of the nearest point of the proposed development within six years, a complete sanitary sewage collection system must be installed, and:
   (1) Connected to an approved community on-lot system or a temporary package treatment plant until connection to a public sanitary sewage system is made.
   (2) Capped and on-site sewage disposal systems provided until such time that connection to a public sanitary sewer system can be made.
   (3) Storm sewers shall not be connected with sanitary sewers.
   (4) Where there is not existing public sanitary sewer system and the feasibility report indicates that a public sanitary sewer system and treatment plant is not feasible, the adequate provision of on-site subsurface or alternate sewage disposal systems

approved by the Pennsylvania Department of Environmental Protection must be investigated.

(5) If on-site subsurface or alternate sewage disposal systems approved by the Pennsylvania Department of Environmental Protection, connection to a public sanitary sewer system or installation of a public sanitary sewer system are not feasible, the development shall not be approved.

§ 289-6-7. Water supply requirements.

A. Where there is an existing public water supply system within 1,000 feet of the nearest point of the proposed development, a complete water supply system connected to the existing public water supply system must be provided.

B. Where plans approved by a public water supplier provide for the installation of such public water facilities within six years, the developer shall provide a complete water supply system ready to be connected to the proposed water supply system.

C. If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors or Planning Commission, as the case may be, that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

D. Where there is no existing public water supply system and the feasibility report indicates that connection to a public water supply system is not feasible, each lot in the development must be provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Protection prior to the issuance of a building permit.

§ 289-6-8. Storm drainage.

A. Storm sewers, culverts and related installations shall be provided as necessary to:
   (1) Permit unimpeded flow of natural watercourses and other existing drainage facilities.
   (2) Ensure adequate drainage of all low points along the line of streets.
   (3) Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained.
   (4) Provide positive drainage away from on-site sewage disposal facilities.

B. Storm sewers and related installations shall be required when the stormwater runoff cannot be satisfactorily handled within the street cartway as determined by the Springettsbury Township Planning Commission.

C. Where existing storm sewers are accessible, proposed subdivisions shall be required to connect therewith.

D. Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when property at a higher elevation in the same watershed is fully developed. In the design of storm drainage installations, special consideration shall be given to avoiding problems which could arise from concentrations of stormwater runoff over adjacent properties. The developer shall submit his engineer's calculations upon which the size of conduits, culverts and other portions of the storm sewer system have been based. The Township may establish the capacity for each unit of the system.

E. Where a subdivision is traversed by a watercourse, drainageway, channel or stream there shall be a drainage easement provided at least 30 feet in width measuring 15 feet on each side of the stream or channel to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. Any changes in the existing drainageway shall be subject to the approval of the Pennsylvania Department of Environment Protection. All houses shall be equipped with footing drains and all such drains shall be designed to discharge above the design water surface of the drainageway receiving the flow. Basement and first floor elevations of all houses shall be approved by the Township before a building permit will be used.

F. Appropriate grates shall be designed for all catch basins, stormwater inlets and other entrance appurtenances, except pipe entrances, to ensure that maximum openings do not exceed six inches on a side.

G. All storm drainage facilities constructed along or crossing state or Township roads shall conform to the applicable requirements of the Pennsylvania Department of Transportation specifications relate to such drainage facility.

H. Stormwater runoff from other than single-family dwellings shall not be discharged onto the cartway.

I. Lots shall be laid out and graded to provide positive drainage away from the new and existing buildings.

§ 289-6-9. Utility easements.

A. Easements with a minimum width of 15 feet shall be provided for poles, wires, conduits, storm sewer and sanitary sewers, gas, water and electric mains and/or other utility lines intended to service the abutting lots within side, rear and front yards. Sanitary sewer easements shall have a minimum width of 30 feet. No structures or trees shall be placed within such easements.

B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
C. There shall be a minimum distance of 50 feet measured the shortest distance between any proposed dwelling unit and any petroleum, petroleum product or natural gas transmission line which traverses the subdivisions.

D. Developers are urged to avail themselves of the facilities provided by the various public utility companies in determining the proper locations for utility line easements.

§ 289-6-10. Recreation dedication.

A. The amount of land required to be provided for public recreational purposes for single-family detached residential subdivisions or land development plans shall be a minimum of 0.02 acres per lot or dwelling unit. Public recreation and land dedication for multifamily or attached housing shall be a minimum of 20% for the total tract area. These requirements apply to all residential subdivisions, regardless of number of lots involved and to all multifamily developments regardless of whether private recreational facilities are also provided.

B. Proposed recreation areas shall:
   (1) Be easily and safely accessible from all areas of the development to be served, have good ingress and egress and have direct access to a public roadway. However, no public roadways shall traverse the site(s).
   (2) Be contiguous and regular in shape.
   (3) Have a suitable topography and soil conditions for use and development as a recreation area.
   (4) Have a slope of 5% or less on 75% of the required area.
   (5) Have no more than 25% of the required area within floodplain or wetland areas, as defined by the U.S. Department of Housing and Urban Development's Flood Insurance Rate Maps.
   (6) Be easily accessible to all essential utilities, water, sewage and power.
   (7) Be suitable for development as a particular type of park, as categorized by the National Recreation and Park Association's National Park, Recreation and Open Space Standards and Guidelines, 1983, and updates.
   (8) Be designed and developed according to the standards established by the National Recreation and Park Association.
   (9) Be compatible with the objectives, guidelines and recommendations as set forth in the Township Comprehensive Plan and Parks and Recreation Plan and updates.

C. When the Board deems it to be in the public interest to accept title to dedicated land, such acceptance shall be by means of a clear title deed to the dedicated area.

D. Recreation areas of less than three acres proposed to be dedicated to the Township shall not normally be accepted, unless opportunities exist to combine them with other recreation areas.

E. The Board of Supervisors, after having conferred with the Planning Commission and the Parks and Recreation Board, may find dedication to be impractical because of the size, shape, location, access, topography, drainage or other physical features of the land or that such dedication would adversely affect the subdivision or land development and its future residents or occupants, or that there is not other land area within the proposed subdivision which is practical for dedication to the public because of size, access, topography or other physical characteristics. In such cases, the Board of Supervisors shall require payment of a fee in lieu of land dedication. Such fee in lieu payments shall be payable to the Township upon approval and prior to recording each final section of the overall plan by the Board. The amount of fee in lieu payment shall be determined as set forth in Section "L" below. Since dedicated recreation areas must have access to a public roadway and the availability of all utilities, they are in a very real sense developed and therefore, determinations of fair market value will not be appraised at a raw land rate.

F. All approved recreation areas shall be completed and dedicated before 50% occupancy has been reached in any applicable subdivision. Withholding of occupancy permits may occur to ensure compliance with this provision. Developers required to dedicate land for recreation shall also develop the recreation areas according to the National Park, Recreation and Open Space Standards and Guidelines published by the National Recreation and Park Association in 1983, and any succeeding updates or revisions in accordance with other Township ordinances and as approved by the Township Supervisors.

G. In cases where the opportunity exists to combine dedicated recreation areas, the developer shall be required to escrow funds that will pay for later construction of facilities on a combined recreation area according to the subdivision's percentage contribution to the ultimate combined recreation area. The Township will then develop the combined recreation area with the escrowed funds when all portions thereof have been deeded over to the Township.

H. Actual size, number, placement and other specifications of recreation facilities to be developed shall be recommended by the Parks and Recreation Board and staff to the Planning Commission and Board of Supervisors after negotiations with the developers. The specifications of recreational facilities to be developed shall bear a reasonable relationship to the anticipated use of the facilities by future inhabitants of the development or subdivision.

I. Final subdivision and/or development plans shall indicate location and specifications of all recreation facilities to be constructed and metes and bounds and acreage(s) of the recreation area(s).

J. Recreation facilities shall be bonded and have improvement guarantees posted or deposited as with other subdivision improvements, streets, sidewalks, curbs, drainage facilities, utilities, etc.

K. The developer shall install as a minimum, the following number recreation facilities on the land which has been set aside for this purpose:

Dwelling Units	Total Number of Recreational Facilities
24 or less	1
25-49	3
50-99	5
100-199	7
200-299	9
300-400	11
over 400	13

Recreation facilities shall include, but shall not be limited to, play areas, basketball and/or volleyball courts, tennis courts, softball and/or baseball diamonds, pavilions, soccer and/or football fields. The mix of facilities shall be determined and approved by the Township.

L. Fee in lieu payments shall be arrived at by annual resolutions adopted by the Board of Supervisors that will set the average lot price for the calendar year. Amounts established shall remain in effect until a succeeding resolution establishing other rates is adopted.

Recreation Area Required (square feet) x Development Cost Factor x Average Lot Price Payment = Fee in Lieu.

Where:

(1) Recreation area required. The area calculated under the provisions of Subsection A expressed in square feet.
(2) Development cost factor. The percentage of the average lot price attributable to the cost of developing the lot as defined in Article II. This percentage shall be established by the Township Engineer.
(3) Average lot price. This amount is determined by taking the arithmetic average of all open market residential lot sales in the Township for the previous year. Open market sales shall not include multiple property/ single consideration, nominal consideration, family member, forced sale or partial interest sales as defined by the York County Assessor's Office. This figure will be calculated on an annual basis and established by the Board of Supervisors.

M. Fee in lieu money authorized by this chapter shall, upon receipt by the Township, be deposited in an interest bearing account, clearly identifying the specific recreation facilities and recreation district for which the fee was received. Interest earned on the account shall become funds of the account. Funds from the account shall be expended

only for the purpose of providing park or recreation facilities accessible to the development and located in the district from which the funds were generated, unless the Board of Supervisors determines that it is in the best interest of the Township that funds from one Recreation Planning District should be transferred to another Recreation Planning District. The recreation districts shall be as follows:

(1) Recreation Planning District (RPD) No. 1. Is bounded to the west and north by Township boundaries and to the east by Mt. Zion Road and the portion of North Sherman Street north of Mt. Zion Road and to the south by U.S. Route 30.
(2) RPD No. 2. Is bounded to the west by Mt. Zion Road and the portion of North Sherman Street north of Mt. Zion Road, to the north and east by Township boundaries and the south by U.S. Route 30.
(3) RPD No. 3. Is bounded to the north by U.S. Route 30, to the east and south by Township boundaries and to the south and west by Township boundaries.
(4) RPD No. 4. Is bounded to the north by U.S. Route 30, to the east by Mt. Zion Road and to the south and west by Township boundaries.
(5) RPD No. 5. Is the community centralized parks, being Springettsbury Township Community Park, which is bounded on the west by Mt. Zion Road, the north by Pleasant Valley Road, the east by Williams Road and the south by Whiteford Road; the North Hills area; and any other area designated as a centralized park by resolution of the Board of Supervisors.

N. Upon request of any person who paid fee in lieu under this chapter, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township has failed to utilize the fee paid for the purposes set forth in this chapter within three years from the date such fee was paid.

ARTICLE VII: Manufactured home Park Regulations

§ 289-7-1. Permits required.

It shall be unlawful for any person to maintain, construct, alter or extend any manufactured home park within the limits of the Township, unless he holds a valid certificate of registration issued by the Pennsylvania Department of Environmental Protection in the name of such person and also a permit issued by the Township.

§ 289-7-2. Application for initial manufactured home park permit.

Application for a manufactured home park permit shall follow the requirements and procedures as established in Article III of this chapter.

§ 289-7-3. Final plan action.

A. Upon receipt of the final plan, the Board of Supervisors shall review the final plan for compliance with the provisions of this chapter. The Board of Supervisors may take any of the following actions:
   (1) Approve the entire plan.
   (2) Approve the plan in part.
   (3) Subject the plan to modifications or conditions.
   (4) Disapprove the plan.

B. Upon approval of the entire final plan and payment of the required fees, the Board of Supervisors shall issue a manufactured home park permit to the owner which shall be valid for a period of one year thereafter.

§ 289-7-4. Renewal permits.

Renewal permits shall be issued by the Board of Supervisors upon the furnishing of proof by the applicant that the park continues to meet the standards prescribed by the Pennsylvania Department of Environmental Protection and this chapter.

A. A representative of the Township may inspect a manufactured home park at reasonable intervals and at reasonable time to determine compliance with this chapter.

B. The permit shall be conspicuously posted in the office or on the premises of the manufactured home park at all times.

§ 289-7-5. Compliance of existing manufactured home parks.

Manufactured home parks in existence at the date of adoption of this chapter and being duly authorized to operate as same by the Department of Environmental Protection may be continued so long as they otherwise remain legal.

§ 289-7-6. Individual manufactured homes.

Individual manufactured homes not located in a manufactured home park shall not be required to obtain a manufactured home permit; however, they shall be required to obtain a building permit. Individual manufactured homes shall comply with all other applicable Township ordinances and regulations that govern single-family homes.

§ 289-7-7. Fees.

The initial permit fee for each manufactured home park and the annual renewal permit fee for each manufactured home park shall be established by resolution in the manner prescribed in Article IX of this chapter.

§ 289-7-8. Site requirements.

The minimum size requirement for manufactured home parks shall be 10 acres.

§ 289-7-9. Manufactured home lots.

A. Manufactured home lots within the park shall have a minimum gross area of 7,500 square feet.

B. The area of the manufactured home space shall be improved to provide an adequate foundation for the placement of the manufactured home. The manufactured home space shall be designed so as not to heave, shift or settle unevenly under the weight of the manufactured home because of frost acting on the superstructure.

§ 289-7-10. Required setbacks, buffer strip and screening.

A. All manufactured homes shall be located at least 50 feet from any park property boundary line abutting upon a public street or highway right-of-way and at least 40 feet from other park property boundary lines.

B. There shall be a minimum distance of 15 feet between an individual manufactured home (including accessory structures attached thereto) and adjoining pavement of a park street or common parking area or other common areas.

C. All manufactured home parks shall be required to provide an attractive visual screen along the boundary of the manufactured home park, meeting the minimum requirements of the landscaping and buffer yard portion of this chapter.

§ 289-7-11. Erection and placement of manufactured homes.

A. Manufactured homes shall be separated from each other and from service buildings and other structures by at least 30 feet.

B. An accessory structure which has a horizontal area exceeding 25 square feet is attached to a manufactured home and/or located within 10 feet of its window and has an opaque or translucent top or roof that is higher than such window shall, for the purposes of this separation requirement, be considered to be a part of the manufactured home.

C. An enclosure of compatible design and materials shall be erected around the entire base of each manufactured home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

§ 289-7-12. Proposed street system.

A. All streets to be offered for public dedication will conform to specifications established by Springettsbury Township.

B. All streets within manufactured home parks, whether offered for public dedication or not, shall conform to the following standards:
   (1) General requirements. A safe and convenient vehicular access shall be provided from abutting public streets or roads.
   (2) Access. The entrance road connecting the park streets with a public street or road shall have a minimum cartway width of 34 feet. Wherever a street intersects a public street, a stop sign in conformity with Township regulations shall be installed and maintained.
   (3) Internal streets. Roadways shall be of adequate width to accommodate anticipated traffic. At the discretion of the Board of Supervisors the cartway requirements may be reduced to the following minimum requirements:
      (a) Where parking is permitted on both sides, a minimum cartway width of 34 feet will be required.
      (b) A minimum cartway width of 27 feet will be required where parking is limited to one side.
      (c) Dead-end streets shall not be longer than 400 feet and shall be provided a turnaround at the closed end having an outside cartway diameter of at least 40 feet.
   (4) Paving. All streets not to be dedicated for public use shall be provided with a smooth, hard and dust-free surface such as asphalt or macadam which shall be durable and well drained under normal use and weather conditions.

§ 289-7-13. Parking areas.

Required car parking spaces shall be so located as to provide convenient access to the manufactured home, but shall not exceed a distance of 100 feet from the manufactured home that it is intended to serve.

§ 289-7-14. Water supply.

All water used in the operation of the manufactured home park shall be provided from a supply approved by the Pennsylvania Department of Environmental Protection.

§ 289-7-15. Sewage disposal.

An adequate and safe sewage system shall be provided in all parks for conveying and disposing of sewage from manufactured homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with the health regulations of the Pennsylvania Department of Environmental Protection.

§ 289-7-16. Electrical distribution system.

Every park shall contain an electric wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.

§ 289-7-17. Revocation of permit.

Whenever, upon inspection of any manufactured home park, it is determined that conditions or practices exist which are in violation of any provision of this chapter, or any regulations adopted pursuant thereto, the Board of Supervisors shall give notice, in writing, to the person to whom the permit was issued, such notice to consist of a listing of the violated sections of this chapter and shall advise them that unless such conditions or practices are corrected within a period of time specified in the notice, the permit to operate will be suspended. At the end of such period, such manufactured home parks shall be reinspected and, if such conditions or practices have not been corrected, the Board of Supervisors shall suspend the permit and give notice, in writing, of such suspension to the person to whom the permit is issued.

ARTICLE VIII: Floodplain Procedures and Design Standards

§ 289-8-1. Purpose.

The specific purpose of these special provisions is:

A. To regulate the subdivision and/or development of land within any designated floodplain district in order to promote the general health, welfare and safety of the community.

B. To require that each subdivision lot in a floodprone area be provided with a safe building site with adequate access and that public facilities which serve such uses be designed and installed to preclude flood at the time of initial construction.

C. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the improper subdivision and/or development of unprotected lands within the designated floodplain districts.

§ 289-8-2. Abrogation and greater restrictions.

The provisions of this article shall supersede the provisions of any other article of this chapter or any other ordinance of the Township as the same shall relate to subdivision and/or land development within any floodplain district as established by Chapter 325, Zoning; provided, however, that any other applicable ordinance shall remain in full force and effect to the extent that the provisions thereof are more restrictive than the provisions of this chapter.

§ 289-8-3. Township liability.

The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated floodplain district shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Township, its officials or employees.

§ 289-8-4. Preliminary plan requirements.

In addition to all other information required by this chapter as part of the preliminary plan, the following shall be prepared and submitted by a registered engineer or registered surveyor for any subdivision and/or land development in a floodplain district:

A. A map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district including information on, but not limited to, the one-hundred-year flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills, flood or erosion protective facilities and areas subject to special deed restrictions.

B. Where the subdivision and/or land development lies partially or completely within any designated floodplain district or where the subdivision and/or land development borders on a floodplain district, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall also show contours at intervals of two or five feet depending upon the slope of the land and identify accurately the boundaries of the floodplain districts.

§ 289-8-5. Final plan requirements.

In addition to all other information required by this chapter as part of the final plan, the following shall be prepared and submitted by a registered engineer or registered surveyor for any subdivision and/or land development in a floodplain district:

A. All information required for the submission of the preliminary plan incorporating any changes requested by the Board of Supervisors.

B. A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated floodplain district. All such maps shall show contours at intervals of two feet and identify accurately the boundaries of the floodprone areas.

C. Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection and any other Commonwealth agency or a local municipality where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected municipalities have been notified of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administration shall also be notified whenever any such activity is proposed.

§ 289-8-6. Design standards.

A. General.
   (1) Where not prohibited by this or any other laws or ordinances, land located in any designated floodplain district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this or any other laws and ordinances regulating such development.
   (2) Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area if the sites or dwelling units are elevated up to the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least 15 feet beyond the limits of the proposed structures.

(3) Building sites for structures or buildings other than for residential uses shall also not be permitted in any floodway area. Also such sites for structures or buildings outside the floodway shall be protected as provided in Subsection B above. However, the Board of Supervisors may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation below the regulatory flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed at least up to that height.

(4) If the Board of Supervisors determines that only a part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

(5) When a developer does not intend to develop the plat himself and the Board of Supervisors determines that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

B. Excavation and grading. Where any excavation or grading is proposed or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a grading and excavation permit if such is required by the Township.

C. Drainage facilities. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage at all points along streets and provide positive drainage away from buildings and on-site waste disposal sites Plans shall be subject to the approval of the Board of Supervisors. The Board of Supervisors may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Draining plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. Streets. The finished elevation of proposed streets shall not be more than one foot below the regulatory flood elevation. The Board of Supervisors may require, where necessary, profiles and elevations of streets to determine compliance with the requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

E. Sewer facilities. All sanitary sewer systems located in any designated floodplain district, whether public or private, shall be floodproofed up to the regulatory flood elevation.

(1) The Township sewage facilities enforcement officer shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding or unsuitable soil characteristics. The Board of Supervisors may require that the developer noted on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
(2) The Board of Supervisors may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision and/or land development, the Board of Supervisors shall require the developer to provide sewage facilities to connect to this system where practical and shall prescribe the procedures to be followed by the developer in connecting to the system.

F. Water facilities. All water systems located in any designated floodplain district, whether public or private, shall be floodproofed up to the regulatory flood elevation. If there is an existing public water supply system on or near the subdivision, the Board of Supervisors shall require the developer to connected to this system where practical and shall prescribe the procedures to be followed by the developer in connecting to the system.

G. Other public utilities and facilities. All other public and/or private utilities and facilities, including gas and electric shall be elevated or floodproofed up to the regulatory flood elevation.

§ 289-8-7. Definitions.

The following words, terms and phrases as used in this article shall ascribed to them the following meanings:

BUILDING — A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers used for human habitation.

DESIGNATED FLOODPLAIN DISTRICTS — Those floodplain districts specifically designated in Chapter 325, Zoning, as being inundated primarily by the one-hundred-year flood. Included are areas identified as Floodway District (FW), the Floodway Fringe District (FF) and the Approximated Floodplain District (FA).

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

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

DWELLING — A building designed and constructed for residential purposes in which people live.

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

FLOODWAY — The designated area of a floodplain required to carry and discharge floodwater of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the one-hundred-year magnitude.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

STRUCTURE — Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, factories, sheds, cabins, manufactured homes and other similar items.

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means into two 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 of building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres not involving any new street or easement of access or any residential dwelling shall be exempted.

ARTICLE IX: Administration

§ 289-9-1. Enforcement.

A. It shall be the duty of the Zoning Officer or other such duly authorized representative of the Board of Supervisors, and is hereby given the power and authority to enforce the provisions of this chapter. The duly appointed officer shall require that the application for a building permit contain all information necessary to ascertain whether the proposed building, alteration or use is located in an approved subdivision or land development. No building permit shall be issued until the duly appointed officer has certified that the site for the proposed building, alteration or use complies with all the provisions of this chapter and conforms to the site description as indicated on the approval and recorded final plan.

B. Time limitations and ordinance changes.
   (1) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in Chapter 325, Zoning, this chapter or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
   (2) Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
   (3) Where the landowner has substantially completed the required improvements as depicted upon the final plan within the aforesaid five-year limit or any extension thereof as may be granted by the Supervisors, no change in Township ordinance or plan enacted subsequent to the date filing of the preliminary plan shall notify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, street or utility location.
   (4) In the case of a preliminary plan calling for the installation of improvements beyond a five-year period, a schedule shall be filed by the landowner with the preliminary plans delineating all proposed sections as well as deadlines within which applications for final plan 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 plan approval, until final plan 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.
   (5) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of the dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan

approval, including compliance with landowner's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five-year period. The aforesaid protection shall apply for an additional term or terms of three years from the date of final plan approval for each section.

§ 289-9-2. Modifications or waivers.

A. The Board of Supervisors may grant a modification or waiver of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification or wavier will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. All requests for a modification or waiver shall be made in writing and shall accompany and e a part of the application for subdivision or development. The request shall state in full the ground and facts of unreasonable ness or hardship on which the request is based, the provision or provisions of the ordinance involves and the minimum modification necessary. The request for modification or waiver will be reviewed by the Township Planning Commission for a recommendation and advisory comments. The Board of Supervisors and the Township Planning Commission shall keep a written record of all action on all requests for modification or waiver.

B. An applicant may request a modification or waiver in writing, prior to formally filing a preliminary or final subdivision or land development plan. However, said modification or waiver request shall be accompanied by an administrative fee and review escrow to be established by resolution of the Board of Supervisors from time to time. The applicant shall be responsible for any and all professional review fees incurred by the Township, relating to the modification or waiver request.

§ 289-9-3. Fees.

A. The Board of Supervisors shall establish by resolution a schedule of fees to be paid by the developer at the time of filing a preliminary or final plan. Said schedule of fees shall be posted in the Township Office.

B. Administration of fees.
   (1) Upon filing of a preliminary or final land development or subdivision plan, the applicant shall pay together with the filing fee an amount as set by Resolution of the Board of Supervisors from time to time for professional fees related to plan review, which monies shall be placed into an escrow account.
   (2) At the time of approval of a subdivision or land development plan, the applicant shall pay to the Township an amount as set by Resolution of the Board of Supervisors from time to time for professional fees related to inspection of public

improvements, which monies shall be placed into an escrow account in accordance with the terms of this Resolution. Any money remaining in the applicant's plan review escrow may be carried over into this inspection escrow. Upon approval of the plan if there are no public improvements for which inspections will be required or upon completion and acceptance of dedication of public improvements by the Township, any monies remaining in the escrow account shall be returned to the applicant.

(3) Upon receipt of a bill for professional fees for which the escrow was established, payment of the bill shall be made from the escrow account. A detailed copy of the invoice shall be forwarded to the applicant.

(4) When an account reaches twenty-five percent (25%) of its initial amount, the applicant shall be directed to refresh the escrow account to an amount equal to the initial amount required. If a plan review escrow account is not refreshed in accordance with this paragraph, professional plan review shall cease and the plan will not be approved. If an inspection escrow account is not refreshed in accordance with this paragraph, inspection shall cease and a stop work order shall be issued.

(5) Any interest earned on an escrow account shall be retained by the Township as an administrative fee.

C. No final plan shall be recorded unless all fees and charges are paid in full.

D. Any engineering, legal, and administrative costs in excess of the amount submitted prior to approval of the final plan, shall be paid by the developer upon being notified of same by the Township. Any excess paid over the amount actually required to cover such costs of the final plan shall be returned to the developer upon the completion of the required improvement.

§ 289-9-4. Violations and penalties.

A. No lot in a subdivision shall be sold, rented, leased or conveyed in any manner, no permit to erect, alter or repair any building upon land in a subdivision or land development shall be issued and no building shall be erected in a subdivision or land development until a final plan of such subdivision or land development has been approved and properly recorded and until improvements have been either constructed or guaranteed.

B. Any person, copartnership or corporation who shall subdivide any lot, tract or parcel of land, layout, construct, open or dedicate any street, sanitary sewer, storm sewer or water mains, for public use or travel, or for the common use of occupants of buildings abutting thereon, sell, rent, lease or convey in any manner any lot or erect any building in a subdivision without first having complied with the provisions of this chapter shall be in violation hereof.

C. Any person, partnership, corporation, or other entity who shall improve or develop any real property in violation of this chapter or an approved plan shall be in violation of this chapter and subject to any and all penalties set forth herein.

D. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. This authority to deny such permit or approval shall apply to any of the following applicants:
   (1) The owner of record at the time of such violation.
   (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
   (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
   (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to ay such owner, current owner, vendee or lessee for the development of any such real property, the township may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property."

E. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefore, in a civil enforcement proceeding commenced by Springettsbury Township, pay a judgment of not more than $500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

F. The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

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

I. It is within the discretion of the Township to seek cumulative remedies.

§ 289-9-5. Appeals.

The procedure for securing review of any ordinance, decision or determination is set forth in Article X of the Pennsylvania Municipalities Planning Code, Act 170 of December 21, 1988, P.L. 170, as amended.

EXHIBIT A: Township Dedication Checklist

Per § 289-5-14D, upon installation and completion of all required improvements the developer shall make a written offer of dedication to the Township of all the improvements intended for public use. See below for a list of documentation typically required in a dedication offer.

- All documentation has been submitted, including:
  - Request for Adoption Letter
  - Approved Plans
  - Signed & Sealed Plans
  - Survey Data
  - Highway Occupancy Permit
- Maintenance bond is in place
- Stormwater management has been provided, including:
  - Storm Inlets
  - Stormwater Manholes
  - Storm Pipe End walls
  - Rip Rap or Matting
- Sanitary sewer line is operational, including at least:
  - 8" PVC Gravity Pipe
  - Manholes
  - Lateral Connections
  - Video Inspection Done
- Street construction has been completed in accordance with SALDO requirements, including:
  - Concrete Sidewalks
  - Driveway Aprons
  - Concrete Curbs
  - Stone Sub-base
  - Course Binder/ Wearing
- Landscaping has been provided including as required:
  - Top Soil
  - Grass
  - Mulch
  - Individual Trees
  - Scrub Species
- Street signage is in place, including:
  - Street Name Signs
  - Stop Signs
  - Pavement Markings
- Street lights are in place, including:
  - Street Light Poles
  - Conduit, Wiring
  - Loop Detectors
- Met-Ed streetlight requirements have been fulfilled

- All outstanding fees have been paid in full to the Township, including:
  - Engineering Fees
  - Escrows,
  - Attorney Fees
  - Recording Fees