Official Subdivision & Land Development Ordinance

Upper Leacock Township, Lancaster County, PA

Enacted 1/16/92 Amendments codified through 7/21/16



UPPER LEACOCK TOWNSHIP MUNICIPAL DIRECTORY

Board of Supervisors

Ronald L. Simmons, Chairman J. Harold Leaman, Vice-Chairman James J. Bennett

Manager & Secretary-Treasurer

Michael H Morris

Solicitor

William J. Cassidy, Jr., Esquire

Engineer Rettew

Planning Commission

Christopher (Chris) Brown, Chairman Imants (Nick) Ekis, Vice-Chairman Michelle Hoover, Secretary Lee Gernert Judy Hertzler

Zoning Officer

Mark Deimler Solanco Engineering

Zoning Hearing Board

Levi H. Charles, Chairman James Glick, Secretary Lorin J. Mellinger

Zoning Hearing Board Solicitor Robert Sisko

Sewage Enforcement Officer

Mark Deimler Solanco Engineering

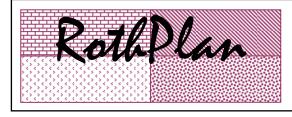
Leola Sewer Authority

Nelson J. Bard, Chairman Wilmer Musser, Vice Chairman Michael Reed, Secretary Samuel Huber, Treasurer

UPPER LEACOCK TOWNSHIP MUNICIPAL OFFICE

36 Hillcrest Avenue, P. O. Box 325 Leola, Pennsylvania 17540 Telephone: 717/656-9755 FAX: 717/656-9609 Web Site: ultwp.com

Hours: Monday through Friday, 8:00 A.M. - 4:30 P.M.



Harry B. Roth, AICP, Community Planning Consultant Phone: (717) 468-8935 Website: rothplan.net

Look forward to the future!

		F	Page
ARTICLE I	TITLE	, PURPOSE, ADOPTION - AUTHORITY AND JURISDICTION	1
SECTIO	N 101	TITLE	1
SECTIO	N 102	PURPOSE	1
SECTIO	N 103	ADOPTION-AUTHORITY	1
SECTIO	N 104	JURISDICTION	2
ARTICLE II	DEFIN	ITIONS	5
SECTIO	N 201	GENERAL	5
SECTIO	N 202	GENERAL TERMS	5
SECTIO	N 203	SPECIFIC TERMS	5
ARTICLE III	PLAN	PROCESSING PROCEDURES	12
SECTIO	N 301	GENERAL	12
SECTIO	N 302	PRE-APPLICATION REVIEW	13
SECTIO	N 303 303.01 303.02 303.03 303.04 303.04 303.05	PRELIMINARY PLAN APPLICATION. Application Requirements Distribution Review of the Preliminary Plan Ruling on the Preliminary Plan Compliance with Conditions of Approval.	13 14 14 14
SECTIO	N 304 304.01 304.02 304.03 304.04 304.05 304.06	FINAL PLAN APPLICATION Application Requirement Distribution Review of the Final Plan Ruling on the Final Plan Compliance with Conditions of Approval Final Plan Certification	16 16 16 17 18
SECTIO	N 305 305.01 305.02 305.03 305.04	WAIVER REQUEST Waiver Application Distribution Review of the Waiver Ruling on the Waiver	19 19 19

SECTIO		PLANS EXEMPTED FROM STANDARD PROCEDURES	20
	306.01	Procedure for Processing Revised Final Subdivision	20
	206.02	and/or Land Development Plans	
	306.02	Procedure for Processing Lot Add-On Plans	
	306.03	Procedure for Processing Minor Preliminary Plans	20
ARTICLE IV		RMATION TO BE SHOWN ON OR SUBMITTED SUBDIVISION AND LAND DEVELOPMENT PLANS	21
SECTIO	N 401	SKETCH PLAN	
0_00			
SECTIO	N 402	PRELIMINARY PLANS	22
	402.01	Drafting Standards	22
	402.02	Location and Identification	22
	402.03	Existing Features	23
	402.04	Proposed Features	24
	402.05	Reports	25
	402.06	Certifications and Notifications	
	402.07	Filing Fee	33
SECTIO	N 403	FINAL PLANS	34
	403.01	Drafting Standards	
	403.02	Location and Identification	
	403.03	Existing Features	
	403.04	Proposed Features	34
	403.05	Reports	
	403.06	Certifications and Notifications	
	403.07	Filing Fee	35
ARTICLE V	IMPR	OVEMENT GUARANTEES	36
SECTIO	N 501	GENERAL	36
SECTIO	N 502	FINANCIAL SECURITY	36
	502.01	Submission of Financial Security	
	502.02	Release of Financial Security	
	502.03	Other Remedies	
SECTIO	N 503	DEDICATION OF IMPROVEMENTS	39
SECTIO	N 504	MAINTENANCE GUARANTEE	40
SECTIO	N 505	INSPECTION OF IMPROVEMENT DURING CONSTRUCTION	40
SECTIO	N 506	AS-BUILT PLANS	40

ARTICLE VI	DESIG	IN STAN	DARDS	42
SECTION 6	601	GENEF	RAL	42
	601.01		Relationship to Natural Features	
	601.02		Conformance With Adopted Plans	
	601.03		Relationship of the Development to Existing Facilities	
			and Services	42
SECTION 6	02	STREE	TS, ALLEYS, ACCESS DRIVES, AND DRIVEWAYS	43
	602.01		Conformance with Adopted Plans	43
	602.02		Private Streets	
	602.03		Improvements to Existing Streets	43
	602.04		Arterial Street Design	46
	602.05		Arrangement	46
	602.06		Street Provisions for Future Development	47
	602.07		Street Names	47
	602.08		Vertical Alignments	47
	602.09		Horizontal Alignments	48
	602.10		Street Right-of-Way and Cartway Widths	
	602.11		Street Improvements	49
	601	.11.1	Subgrade	49
	601	.11.2	Base	49
	601	.11.3	Final Wearing Course	49
	601	.11.4	Finished Streets	50
	601	.11.5	Restoration for New and Existing Streets	50
	601	.11.6	Excavation Within Existing Streets	50
	601	.11.7	Street Lights	52
	602.12		Street Intersections	52
	602.13		Sight Distance	53
	602.14		Cul-de-Sac Streets	54
	602.15		Future Access Strips	55
	602.16		Alley	55
	602.17		Driveways	55
	602.18		Access Drives	56
		.18.1	Number Per Lot	56
	602	.18.2	Setbacks	56
	602	.18.3	Clear-Sight Triangle	
		.18.11	Access Drive Width	
	602	.18.12	PennDOT Permit	58
SECTION 6	603	VEHIC	JLAR PARKING FACILITIES	58
SECTION 6	604	SIDEW	ALKS AND CURBS.	
	604.01		Sidewalks	58
	604.02		Curbs	59
SECTION 6		BLOCK	S AND LOTS	
	605.01		General	
	605.02		Residential Blocks	
	605.03		Non-Residential Blocks	
	605.04		Lot Configuration	
	605.05		Lot Size and/or Intensity	61

SECTION	606	BUILDING SETBACK LINES AND BUILDING SEPARATIONS	62
SECTION	607	EASEMENTS	62
SECTION	608	SURVEY MONUMENTS AND MARKERS	62
SECTION	609	STORM WATER MANAGEMENT	63
SECTION	610	FLOODPLAIN AND WETLANDS	63
SECTION	611.01 611.02 611.03	LANDSCAPING Protection of Natural Features Existing Wooded Areas Street Trees	63 64 64
SECTION	611.04 612 612.01 612.02 612.03 612.04 612.05	Ground Cover STEEP SLOPE CONSERVATION Boundary Interpretation Design Requirements Construction Prohibition Setback Design Information	64 64 65 65 65
SECTION	613	SANITARY SEWAGE DISPOSAL	66
SECTION	614	WATER SUPPLY	66
SECTION	615	EMERGENCY RESPONSE	67
SECTION	616 616.01 616.02 616.03 616.04 616.05 616.06	PARK & RECREATION AREAS AND FEES General Mandatory Dedication Dedication Alternative Parkland & Open Space Design Standards Parkland Capital Reserve Fund Failure to Comply	68 68 69 70 71
ARTICLE VII	MOBIL	E HOME PARKS	72
SECTION	701	GENERAL	72
SECTION	702	STREETS, ACCESS DRIVES AND DRIVEWAYS	72
SECTION	703	SANITARY SEWAGE DISPOSAL	72
SECTION 704		WATER SUPPLY.	72

SECTI	ON 705	STORM WATER MANAGEMENT, FLOODPLAIN AND WETLANDS CONTROLS.	73
	SECTION 706	REFUSE DISPOSAL	73
	SECTION 707	EXTERIOR LIGHTING	73
	SECTION 708	LANDSCAPING	74
	SECTION 709	STEEP SLOPE CONSERVATION	74
	SECTION 710	SERVICE AND ACCESSORY BUILDINGS	74
	SECTION 711	FIRE PROTECTION	75
	SECTION 712	ELECTRICAL DISTRIBUTION	75
	SECTION 713	MAINTENANCE.	76
	SECTION 714	EASEMENTS.	76
	SECTION 715	SURVEY MONUMENT AND MARKERS	76
ARTIC	LE VIII ADMIN		77
	SECTION 801	GENERAL	77
	SECTION 802	AMENDMENT	77
	SECTION 803	WAIVERS	77
	SECTION 804	CHALLENGES AND APPEALS	78
	SECTION 805 805.01 805.02 805.03	PENALTIES FOR VIOLATIONS Jurisdiction Enforcement Remedies Project Initiation	78 79
	SECTION 806	RECORDS	79
	SECTION 806A	REVIEW FEES	79
	SECTION 807	VALIDITY	80
		CONFLICTS	20

APPENDICES

APPENDIX NO. 1	Statement of Accuracy	81
APPENDIX NO. 2	Statement of Ownership, Acknowledgment of Plan, and Offer of Dedication Individual Co-Partnership Corporate	82 83
APPENDIX NO. 3	Planning Commission Review Statement and Recorder of Deeds Certificate	85
APPENDIX NO. 4	Preliminary Plan Approval Statement and Township Engineer Review Statement	86
APPENDIX NO. 5	Final Plan Approval Statement and Township Engineer Review Statement	87
APPENDIX NO. 6	Application for Consideration of a Subdivision and/or Land Development Plan	88
APPENDIX NO. 7	Application for Consideration of a Waiver	90
APPENDIX NO. 8	Memorandum of Understanding Installation of Public Improvements In Conjunction With Preliminary Plan Approval	92
APPENDIX NO. 9	Memorandum of Understanding Financial Security	
APPENDIX NO. 10	Notice of Approval of New Street Name	96
APPENDIX NO. 11	Standard Plan Format	
APPENDIX NO. 12	Excavation Within Existing Streets	
APPENDIX NO. 13	Concrete Sidewalk Detail	101

Title, Purpose, Adoption – Authority and Jurisdiction

Section 101 Title

This Ordinance shall be known and may be cited as the "Upper Leacock Township Subdivision and Land Development Ordinance of 1992."

Section 102 Purpose

The purpose of this Subdivision and Land Development Ordinance is to provide for the harmonious development of the Township by:

- a) Assisting in the orderly and efficient integration of land developments within the Township.
- b) Ensuring conformance of development plans with the Comprehensive Plan, and other municipal documents.
- c) Ensuring the provision of adequate public facilities including roadways, walkways, street lighting, water supply, storm and sanitary sewerage facilities, open spaces and other improvements for the public health, safety and welfare.
- d) Ensuring coordination of inter-municipal and intra-municipal public improvement plans and programs.
- e) Securing the protection of water resources, drainageways and other environmental resources.
- f) Facilitating the safe and efficient movement of traffic.
- g) Securing equitable handling of all development plans by providing uniform standards and procedures.
- h) In general, promoting greater health, safety, and welfare of the citizens of the Township.

Section 103 Adoption-Authority

The Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended, hereby

enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Upper Leacock Township.

The Board of Supervisors shall administer and enforce this Ordinance and does hereby designate the Upper Leacock Township Planning Commission as the agency of the Board of Supervisors:

- a) With which applicants may hold all pre-application consultations relating to the plans.
- b) To which applications relating to either preliminary or final approval of subdivision and land development plans, and waivers are referred by the Board of Supervisors.
- c) Which makes recommendations to the Board of Supervisors concerning approval, disapproval, modification and conditions of approval of such plans.
- d) Which makes recommendations to the Board of Supervisors concerning the interpretation of and the granting of waivers to provisions and standards of this Ordinance.

Section 104 Jurisdiction

This Ordinance shall apply to all subdivision and land development plans submitted after the effective date of this Ordinance, and to all subdivision and land development plans submitted before the effective date of this Ordinance, which no longer have protection from the effect of changes in governing ordinances granted by Section 508 of the Pennsylvania Municipalities Planning Code.

From the time an application for approval, whether preliminary or final, is duly filed, as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, other governing ordinance, or plan shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application, as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.

When an application for approval, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, 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.

The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium, or prohibition which was imposed subsequent to the filing of an application for preliminary approval. In the

event of an appeal filed by any party from the approval or disapproval of a plan, the five-year period shall be extended by the total time from the date the appeal was filed, until a final order in such manner has been entered, and all appeals have been concluded, and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.

Where Final Plan approval is preceded by Preliminary Plan 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.

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 of governing ordinance or plan enacted subsequent to the date of filing of the Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street, or utility location.

In the case of a Plan calling for the installation of improvements beyond the fiveyear period, a schedule shall be filed with the Preliminary Plan 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 on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the last section has been granted. Any modification in the aforesaid schedule shall be subject to approval of the Supervisors in its discretion.

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Supervisors in its discretion. Provided the land-owner has not defaulted with regard to or violated any of the conditions of the Preliminary Plan approval, including compliance with the schedule for sub-mission of Final Plans, 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. This extended protection shall apply for an additional term or terms of three years from the date of Final Plan approval for each section.

Failure to adhere to the aforesaid schedule of submission of Final Plans for the various sections shall subject any such section to changes in zoning, subdivision and other governing ordinances enacted by the Township, subsequent to the date of the initial Preliminary Plan submission.

This Ordinance shall not affect any suit or prosecution pending, or to be instituted, to enforce any provision of previous subdivision and land development ordinances, on an act done, contract executed, or liability incurred prior to the effective date of this Ordinance, nor shall any provisions of this Ordinance be construed to waive the obligations imposed upon an applicant to complete a previously approved Preliminary or Final Plan, including the installation of all improvements required hereunder, in strict compliance with the requirements of the effective Subdivision and Land Development Ordinance.

No street, sanitary sewer, storm sewer, water main, or other facilities 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 thereon, unless and until authorized by this Ordinance.

No lot in a subdivision may be sold, no permit to erect or alter any building upon land in a subdivision or land development may be issued, and no building may be erected or altered in a subdivision or land development, unless and until a Final Subdivision or Land Development Plan has been approved by the Supervisors and recorded, and until the improvements required in connection therewith have been either constructed or guaranteed in a manner prescribed herein.

(Note: The above Section 104 - Jurisdiction was revised on April 19, 2001, by Ordinance No. 2-2001.)

Article II

Definitions

Section 201 General

Words and phrases shall be presumed to be used in their ordinary context unless such word or phrase is defined or interpreted differently within this section.

Section 202 General Terms

In this Ordinance, when not inconsistent with the context:

- a) Words in the present tense imply also the future tense,
- b) The singular includes the plural,
- c) The male gender includes the female gender,
- d) The term "person" includes a partnership or corporation as well as an individual,
- e) The term "shall" or "must" is always mandatory,
- f) The term "may" is permissive.

Section 203 Specific Terms

The following words and phrases shall have the particular meaning assigned by this section in the appropriate sections of this Ordinance.

<u>Access Drive</u>. An improved cartway designed and constructed to provide for vehicular movement between a public road and a tract of land containing any use other than one single-family dwelling unit or farm.

<u>Agent</u>. Any person other than the developer, who acting for the developer submits land development plans to the Township for the purpose of obtaining approval thereof.

<u>Agriculture</u>. The tilling of the soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of livestock, such as cattle, cows, hogs, horses, sheep, goats, poultry, rabbits, birds, fish, bees, and other similar animals. This definition also includes non-commercial greenhouses and mushroom houses, as well as the processing and retail sale of goods produced on the farm.

<u>Aisles</u>. A private drive intended principally to provide vehicular access within a vehicular parking compound for a non-residential or multi-unit residential land use. Although aisles provide interior vehicular circulation, their principal function is to provide entrance and exit for individual parking spaces. Aisles may not be used to intersect streets.

<u>Alley.</u> A strip of land over which there is a public or private right-of-way intended to serve as secondary vehicular access to the side and/or rear of those properties whose frontage is on a street. An alley is not a street and is not intended for general traffic circulation.

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

<u>Application for Development</u>. The application form and all accompanying documents and exhibits required for a preliminary or final application in accordance with this Ordinance.

<u>Block</u>. A tract of land which is entirely bounded by streets, public parks, cemeteries, railroads, watercourses, or any other barrier to the continuity to development.

<u>Board of Supervisors</u> - The Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania.

<u>Building</u>. Any structure or edifice designed or intended for use as an enclosure, a shelter, or for protection of persons, animals, or property.

<u>Building, Accessory</u>. A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, which is located on the same lot as that occupied by the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.

<u>Building, Principal</u>. A building which is enclosed within exterior walls or fire walls, which is built, erected, and framed of component structural parts, which is designed for housing, shelter, enclosure, and support of individuals, or property of any kind, and which is a main structure on a given lot.

<u>Building Area</u>. The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of uncovered porches, awnings, terraces, and steps.

<u>Building Setback Line</u>. The actual line of that face of the building nearest an adjacent right-of-way or street line. This face includes sun porches and covered porches, whether enclosed or unenclosed, but does not include steps.

<u>Cartway</u>. The surface of a street, drive, or alley available for vehicular traffic, including travel lanes and parking lanes but not including shoulders, curbs, sidewalks or swales.

<u>Clear Sight Triangle</u>. A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

<u>Comprehensive Plan</u>. The plan, or parts thereof, which have been adopted by the Board of Supervisors showing its recommendations for such systems as: land uses, parks and recreation facilities, water supply, sewerage and sewage disposal, garbage disposal, transportation, highways, civic centers, and other public improvements which affect the development of the Township.

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

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

Curb Line. The outside edge of the cartway.

Dedication. The deliberate appropriation of land by its owner to another party.

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

<u>Density</u>. A term used to express the allowable number of dwelling units per acre of land, exclusive of public rights-of-way and streets.

<u>Developer</u>. Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

<u>Double Frontage Lot</u>. A lot which fronts upon two parallel streets, or which front upon two streets which do not intersect at the boundaries of a lot and vehicular access is provided to both streets.

<u>Driveway</u>. An improved cartway designed and constructed to provide vehicular movement between a public road and a tract of land serving one single-family dwelling unit or a farm.

<u>Easement</u>. A right-of-way granted for limited use of private land for a public or quasipublic or private purpose, and within which the owner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.

Engineer. A Professional Engineer licensed as such in the Commonwealth of Pennsylvania.

<u>Floodplain</u>. Those areas identified in Article IV of the Official Upper Leacock Township Floodplain Management Ordinance.

(Note: The above definition was revised on March 17, 2016, by Ordinance No. 4-2016.)

<u>Frontage</u>. The linear measurement taken along a property's common boundaries with adjoining street rights-of-way, other than a limited access highway.

<u>Grade</u>. The slope expressed in a percent which indicates the rate of change of elevation in feet per hundred feet.

<u>Improvements</u>. Physical changes to the land (including but not limited to, grading, paving, curbs, gutters, storm sewers and drains, improvements to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities) that may be necessary to produce usable and desirable developments. 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 non-residential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

A subdivision of land.

The following shall not be considered a land development:

- a) The conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium.
- b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

Land Surveyor. A land surveyor registered in the Commonwealth of Pennsylvania.

Landowner. The legal, beneficial, equitable 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 conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner), or another person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

Landscape Architect. A landscape architect registered in the Commonwealth of Pennsylvania.

<u>Lateral</u>. A utility line between a utility main that is located within a utility easement, and the single building which the line serves.

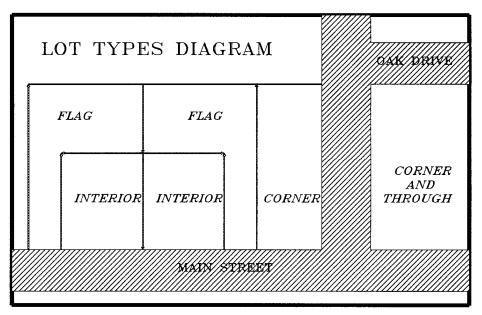
Lot. A parcel of land separately described by a metes and bounds description which is recorded in the office of the Recorder of Deeds of Lancaster County by deed description, or is described by an approved subdivision plan recorded in the office of the Recorder of Deeds of Lancaster County.

Lot, Corner. A lot at the point of intersection of and abutting two or more intersecting streets, and which has an interior angle of less than 135 degrees at the intersection of the two street lines. Corner lots shall have two front yards, one side and one rear yard.

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

Lot, Interior. A lot other than a corner lot, the sides of which do not abut a street.

Lot, Through. An interior lot having frontage on two parallel or approximately parallel streets.



Lot Area. The area contained within the property lines of individual parcels of land, excluding any area within a street right-of-way, but including the area of any easement.

Lot Coverage. A percentage of the lot area which may be covered with an impervious surface (e.g., buildings, driveways, parking area, sidewalks).

Lot Depth. The horizontal distance measured between the street right-of-way line and the closest rear property line. On corner and reverse frontage lots, the depth shall be measured from the street right-of-way line of the street of address to the directly opposite property line.

Lot Width. The horizontal distance measured between side property lines. On corner lots, lot width shall be measured between the right-of-way line for the non-address street and the directly opposite property line.

<u>Mobile Home</u>. Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for Mobile Home Parks listed in this Ordinance and other ordinances of the Township. Mobile homes placed on individual lots shall be considered "dwellings."

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

<u>Mobile Home Park</u>. A parcel or contiguous parcels of land which have been so designated and improved to contain two or more mobile home lots for the placement thereon of mobile homes.

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

<u>Pedestrian Easement</u>. A right-of-way, municipally or privately owned which cuts across a block to furnish access for pedestrians to adjacent streets or properties.

<u>Plan</u>. The map representing a tract of land including all supplementary data specified in Article IV of this Ordinance. The following are the types of plans specified by this Ordinance:

- a) <u>As-Built</u>. A corrected final plan, showing dimensions and locations of all streets and other public improvements as actually constructed.
- b) <u>Final Plan</u>. A complete and exact subdivision and/or land development plan prepared for official recording as required by statute to define property rights, propose streets and other public improvements.
- c) <u>Preliminary Plan</u>. A complete and exact subdivision and/or land development plan, the purpose of which is to authorize the construction of public improvements and the preparation of final plans.
- d) <u>Sketch Plan</u>. An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal for consideration prior to the formal submission of a plan.

Planning Commission. The Planning Commission of Upper Leacock Township.

<u>Public Grounds</u>. Public parks, playgrounds, open space and other public areas; and sites for school, sewage treatment, refuse disposal and other public owned or operated facilities.

<u>Public Improvement</u>. Any improvement facility or service together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services.

<u>Reverse Frontage Lot</u>. A lot extending between and having frontage on a minor street and either an arterial street or collector street with vehicular access solely from the minor street.

<u>Right-of-Way</u>. Land reserved for use as a street, alley, crosswalk, utilities or other public or private use.

Screen or Buffer Planting. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted

vegetation.

<u>Street</u>. A strip of land over which there is a public or private right-of-way intended to serve principally as a means of vehicular access to and frontage for abutting properties, as well as general traffic circulation. A street does not include an alley.

<u>Street Grade</u>. The elevation of a street along the centerline of the cartway.

<u>Street Line (Right-of-Way Line)</u>. A line defining the edge of a street right-of-way and separating the street from abutting property or lots. The street line shall be the same as the legal right-of-way line.

<u>Street, Private</u>. A street not offered for dedication or whose dedication was not accepted by the municipality.

<u>Subdivision</u>. 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, or building, or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new streets or easements of access or residential dwelling shall be exempted.

Swale. A wide shallow ditch which gathers or carries surface water.

Township. Upper Leacock Township, Lancaster County, Pennsylvania.

<u>Township Engineer</u>. A duly registered professional engineer, licensed as such by the Commonwealth of Pennsylvania, employed by the Township or engaged as a consultant thereto.

<u>Unit of Occupancy</u>. A unit the use of which is not subordinate or customarily incidental to a principal unit. A unit of occupancy can be an independent unit within a building or a separate, detached building.

<u>Waiver</u>. A process for alleviating specific requirements imposed by this Ordinance pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, reenacted and amended by Act 170 of 1988, and as subsequently amended. Waivers are provided under Section 803.

<u>Watercourse</u>. A permanent or intermittent stream, river, brook, creek, channel, or swale, whether natural or man-made, for gathering or carrying surface water.

Zoning Ordinance. The prevailing Zoning Ordinance, as amended, for Upper Leacock Township.

Plan Processing Procedures

Section 301 General

The procedures set forth in this Article shall be followed for all subdivision and/or land development plans.

The Township Planning Commission, Township Engineer, various Township officials, and County Planning Commission are advisory to the Township Board of Supervisors.

The Pre-Application review specified in Section 302 is optional. The purpose of the procedure is to provide the developer with the advice and assistance of the Planning Commission. The submission for a pre-application review shall not constitute formal filing of a plan with the Township.

The Preliminary Plan application specified in Section 303 is mandatory for all land developments, subdivision and/or land developments involving new streets, and subdivisions involving ten (10) or more lots. In general, the purpose of the Preliminary Plan is to review detailed design and construction plans. Approval of the Preliminary Plan authorizes the construction of public improvements (subject to other ordinances, rules, and regulations) and the preparation of Final Plans.

The Final Plan application specified in Section 304, is mandatory for all subdivision and/or land development plans. In general, the purpose of the procedure is to review detailed design and construction plans, and receive assurance of public improvements. Approval of the Final Plan authorizes the recording of the Plan, the construction of buildings, and the selling of land.

It should be noted that Section 306 provides certain exemptions from the Preliminary and Final Plan procedure.

The governing body of the contiguous municipalities may appear and comment before the Township Supervisors, Township Planning Commission, and all other review agencies that are considering proposed subdivision and land development plans.

(Note: The above paragraph was added on April 19, 2001, by Ordinance No. 2-2001.)

Section 302 Pre-Application Review

Applicants are urged, but not required, to discuss possible development sites and plans with the Planning Commission prior to submission of the Preliminary or Final Plans. The purpose of the pre-application meeting is to afford the applicant an opportunity to receive the advice and assistance of the Planning Commission. Request for a pre-application review shall not constitute formal filing of a plan.

To aid in the effectiveness of the pre-application review, the plan information listed in Section 401 is requested. However, applicants are permitted to submit less information and discuss proposals without the benefit of a plan.

Section 303 Preliminary Plan Application

Except for the provisions of Section 306, Preliminary Plan applications are required for all land developments, subdivision involving new streets, and subdivisions involving ten (10) or more lots.

Subdivisions involving less than ten (10) lots and no new street may be submitted as Final Plans in accordance with Section 304.

Preliminary Plans shall be submitted to the designated Township representative who has been authorized to receive plans, at the Township Building, on any business day. However, the official acknowledgment of submission and the start of the Preliminary Plan process is at the Board of Supervisors meeting, or the Planning Commission meeting (whichever first reviews the Preliminary Plan), which follows the submission of the Plan.

Applicants are urged to submit a Sewer Facilities Plan Revision or Supplement in conjunction with the Preliminary Plan to avoid unnecessary delays at the Final Plan stage.

- 303.01 <u>Application Requirements</u>. All Preliminary Plan applications shall include the following:
 - A minimum of three (3) copies of the Preliminary Plan and all reports, notifications and certification which are specified in Section 402. Additional copies of the Preliminary Plan and reports may be required by the Township.
 - b) One (1) application form (see Appendix No. 6).
 - c) Filing fee as set by resolution of the Board of Supervisors (see Fee Schedule available at the Township Building).

The Township staff shall first determine that the Preliminary Plan application is substantially complete in accordance with Section 303.01 a), b), and c). This determination does not constitute approval or disapproval of the Plan but is provided to assure the submission of sufficient data for the Board of Supervisors to make a formal action on the Plan. If the application is found to be incomplete, the Township will notify the applicant in writing that the submitted data does not constitute a formal filing of the Preliminary Plan and specify the deficiencies.

- 303.02 <u>Distribution</u>. The Township staff shall distribute the Preliminary Plan to the Township Planning Commission, Board of Supervisors and, if deemed necessary, other officials.
- 303.03 <u>Review of the Preliminary Plan</u>. The Preliminary Plan is reviewed by the County Planning Commission, Township Planning Commission and, when deemed necessary, other officials. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to answer technical questions and establish the acceptance of any possible recommended conditions of approval. If there exist uncertainty of the acceptance of conditions of approval, the Plan may be recommended for disapproval. The applicant will be advised of the scheduled Township Planning date.

A review of the Plan, shall determine its conformance with the standards contained in this Ordinance as well as other applicable ordinances, and recommend to the Board of Supervisors such changes and modifications as it deems necessary. The Township Planning Commission review shall be completed within sixty (60) days of the official acknowledgment of plan receipt.

Any recommendation which involves engineering consideration shall be subject to review and comment by the Township Engineer, which shall be incorporated and separately set forth with the recommendations to the Board of Supervisors.

The County Planning Commission and Township Planning Commission shall render a decision on the Plan and submit copies of their recommendations to the Board of Supervisors. Should the applicant elect to revise the Preliminary Plan in accordance with the recommendations of the Township Planning Commission prior to a ruling on the Preliminary Plan by the Board of Supervisors, three (3) copies of the revised plans and other documents shall be submitted and reviewed in accordance with Sections 303.01, 303.02, and 303.03 of this Ordinance. This procedure shall reestablish the date of the Board of Supervisors' official acknowledgment of receipt to the resubmission date.

303.04 Ruling on the Preliminary Plan. The applicant will be advised of the scheduled meeting date for consideration of the Preliminary Plan by the Board of Supervisors. Attendance at this meeting by the applicant or authorized agent is mandatory to establish the acceptance of any possible conditions of approval. The acceptance or rejection of the conditions of approval will be entered in the minutes of the Board of Supervisors. If there exist uncertainty of the acceptance of conditions of approval, the Plan may be disapproved.

The Township Supervisors shall render their decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, or after a final order of the Court remanding an application. However, should the said next regular meeting, or final order of the Court remanding an application, occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed. The applicant may grant an extension of time to the Township.

(Note: The above paragraph was revised on April 19, 2001, by Ordinance No. 2-2001.)

The ruling of the Board of Supervisors shall be in writing, specifically cite any conditions of approval and/or any plan defects, and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. Refusal by the applicant to accept conditions of approval shall constitute disapproval of the plan.

In the event that any waiver of requirements from this Ordinance is requested by the applicant or is deemed necessary by the Board of Supervisors, the waiver and the reasons for its necessity shall be entered in the minutes of the Board of Supervisors.

When the Preliminary Plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance.

Approval of the Preliminary Plan constitutes approval of the design for streets, lots, structures and other planned facilities. Preliminary approval binds the developer to the plan as approved. Preliminary approval does not authorize the recording, sale or transfer of lots, nor shall this plan be recorded in the office of the Lancaster County Recorder of Deeds, but shall when combined with a completed Memorandum of Understanding (see Appendix No. 8), other necessary approvals and permits, grant the authority to install the Public Improvements required as part of this Ordinance.

Preliminary approval shall expire within five (5) years after being granted, unless an extension is requested by the applicant and approved by the Board of Supervisors. Requests for extensions shall be submitted to the Township at least sixty (60) days prior to any prevailing expiration date.

303.05 Compliance with Conditions of Approval. If the Board of Supervisors conditions its Preliminary Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on three (3) copies to be submitted to the Township. The conditions of approval must be satisfied to obtain Preliminary Plan approval. The Board of Supervisors will acknowledge the satisfactory compliance with all conditions, if any, of the Preliminary Plan approval at a public meeting.

Compliance with the conditions of Preliminary Plan Approval must be attained with six (6) months of the Board of Supervisors action on the Plan (see Section 303.04) or the Township action on the Plan shall be a disapproval, unless the Board of Supervisors grant a waiver by extending the effective time period.

At the option of the applicant, and upon receipt of an unconditional Preliminary Plan approval, a Preliminary Plan may be presented to the Township for signature. (See Appendix Nos. 3 and 4 for certificate.)

Section 304 Final Plan Application

A Final Plan application is required for all subdivision and land development plans. When a Preliminary Plan is required, in accordance with Section 303, an application for Final Plan approval can be submitted only after obtaining an unconditional Preliminary Plan approval.

The Final Plan may include sections of an approved Preliminary Plan, provided each section independently conforms to the Ordinance, regulations and other standards of the Township, and includes a reasonable portion of the Preliminary Plan.

Final Plans shall be submitted to the designated Township representative who has been authorized to receive plans, at the Township Building, on any business day; however, the official acknowledgment of submission and the start of the Final Plan process is at the Board of Supervisors meeting, or the Planning Commission meeting (whichever first reviews the Final Plan), which follows the submission of the Plan.

- 304.01 <u>Application Requirement</u>. All Final Plan applications shall include the following:
 - a) Three (3) copies of the Final Plan and all reports, notifications and certificates which are specified in Section 403. Additional copies of the Final Plan and reports may be required by the Township.
 - b) One (1) application form (See Appendix No. 6).
 - c) Filing fee as set by resolution of the Board of Supervisors (see Fee Schedule available at the Township Building).

The Township staff shall first determine that the Final Plan application is substantially complete in accordance with Section 304.01 a), b), and c). This determination does not constitute approval or disapproval of the Plan but is provided to assure the submission of sufficient data for the Township Board of Supervisors to make a formal action on the Plan. If the application is found to be incomplete, the Township will notify the applicant in writing that the submitted data does not constitute a formal filing of the Final Plan and specify the deficiencies.

- 304.02 <u>Distribution</u>. The Township staff shall distribute one (1) copy of the Final Plan to the Township Planning Commission, Board of Supervisors and, if deemed necessary, other officials.
- 304.03 Review of the Final Plan. The Final Plan is reviewed by the County Planning Commission and Township Planning Commission. Attendance at the Township Planning Commission meeting by the applicant or authorized agent is mandatory to answer technical questions and establish the acceptance of any possible recommended conditions of approval. If there exist uncertainty of the acceptance of conditions of approval, the Plan may be recommended for disapproval. The applicant will be advised of the scheduled meeting date.

A review of the Plan shall determine its conformance with the standards contained in this Ordinance as well as other applicable ordinances, and shall recommend to the Board of Supervisors such changes and modifications as it deems necessary. The Township Planning Commission review shall be completed within sixty (60) days of the official acknowledgment of plan receipt.

Any recommendation which involves engineering consideration shall be subject to review and comment by the Township Engineer, which shall be incorporated and separately set forth with the recommendations to the Board of Supervisors.

The County Planning Commission and the Township Planning Commission shall render a decision on the Plan and submit copies of their recommendations to the Board of Supervisors. Should the applicant elect to revise the Final Plan in accordance with the recommendation of the Township Planning Commission prior to a ruling on the Final Plan by the Board of Supervisors, three (3) copies of the revised plans and other documents shall be submitted and reviewed in accordance with Sections 304.01, 304.02, and 304.03 of this Ordinance. This procedure shall re-establish the date of the Board of Supervisors' official acknowledgment of receipt to the resubmission date.

304.04 <u>Ruling on the Final Plan</u>. The applicant will be advised of the scheduled meeting date for consideration of the Final Plan by the Board of Supervisors. Attendance at this meeting by the applicant or authorized agent is mandatory to answer technical questions and establish the acceptance of any possible conditions of approval. The acceptance or rejection of the conditions of approval will be entered in the minutes of the Board of Supervisors. If there is uncertainty on the acceptance of conditions of approval, the Plan may be disapproved.

The Township Supervisors shall render their decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, or after a final order of the Court remanding an application. However, should the said next regular meeting, or final order of the Court remanding an application, occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed. The applicant may grant an extension of time to the Township.

(Note: The above paragraph was revised on April 19, 2001, by Ordinance No. 2-2001.)

The ruling of the Board of Supervisors shall be in writing, specifically cite any conditions of approval and/or any plan defects, and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. Refusal by the applicant to accept conditions of approval shall constitute disapproval of the Plan.

In the event that any waiver of requirements from this Ordinance is requested by the applicant or is deemed necessary by the Board of Supervisors, action on the waiver shall be entered in the minutes of the Board of Supervisors.

When the Final Plan is not approved in terms as presented to the Board of Supervisors, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance.

No Final Plan will receive approval by the Board of Supervisors unless the applicant has completed all required public improvements, as specified in this Ordinance, or has filed with the Board of Supervisors an improvements guarantee in the manner prescribed in Article V.

304.05 <u>Compliance with Conditions of Approval.</u>

If the Board of Supervisors conditions its Final Plan approval upon receipt of additional information, alterations, changes or notifications, such data shall be submitted and/or alterations noted on three (3) copies to be submitted to the Township. The Board of Supervisors will acknowledge the satisfactory compliance with all conditions, if any, of the Final Plan approval at a public meeting. Compliance with the conditions of Final Plan approval and submission for plan certification must be attained within six (6) months of the Board of Supervisors' ruling on the plan (see Section 304.04), or the Township action on the plan shall be a disapproval unless the Board of Supervisors grant a waiver by extending the effective time period.

304.06 <u>Final Plan Certification</u>. After approval and/or conditional approval of the Final Plan and the required changes, if any are made, the applicant shall present to the Township two (2) paper and two (2) plastic transparencies. All Final Plans shall bear original signatures in black ink on each certificate. Upon payment of any outstanding plan review fee or inspection fee, the Final Plans shall be signed by the Township Planning Commission, Township Engineer and the Board of Supervisors (see Appendix No. 3 and 5). The Township shall return the plans to the applicant for submission to the Lancaster County Planning Commission for signatures and record the Plan in the Office of the Lancaster County Record of Deeds.

Should the applicant fail to record the Final Plan within ninety (90) days of the Board of Supervisors' certification, the Township action on the plan shall be null and void unless the Board of Supervisors grant a waiver by extending the effective time period of the approval.

- 304.06.1 No subdivision or land development plan may be recorded unless it bears the original endorsement of the Board of Supervisors.
- 304.06.2 Recording of the Final Plan shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use shown thereon unless reserved by the developer as hereinafter provided. The approval of the Board of Supervisors shall not impose any duty upon the Township concerning maintenance or improvement of any such dedicated street, or public use, until the Board of Supervisors shall have accepted the same by the prevailing procedures of the Township.
- 304.06.3 If the Final Plan includes a notation to the effect that there is no offer of dedication to the public of certain designated uses, areas or streets, the title to such areas shall remain with the owner, their heirs and assigns, and the Township shall assume no responsibility for improvements or maintenance thereof, which fact shall also be noted on the Final Plan.

Section 305 Waiver Request

The Board of Supervisors may waive any mandatory provision of these regulations to the benefit of the applicant provided the majority of the members of the Board of Supervisors present at a scheduled public meeting, determines that the waiver:

- a) Is consistent with the purpose of the Ordinance as described in Section 102,
- Will remove or reduce an unreasonable or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard,
- c) Will not be contrary to the public interest,
- Provides for reasonable utilization of the property while securing the public interest.

It shall be the burden of the applicant to demonstrate compliance with the above conditions.

- 305.01 <u>Waiver Application</u>. Not withstanding the ability of the Board of Supervisors to independently consider a waiver, all requests for waivers shall be submitted to the designated Township representative who has been authorized to receive waivers, at the Township Building, on any business day. A waiver request shall include three (3) copies of all applicable plans, reports, and supplementary data, and one (1) application form (see Appendix No. 7). If this information was filed with a Preliminary Plan or Final Plan, additional copies need not be submitted.
- 305.02 <u>Distribution</u>. The Township shall distribute one (1) copy of the waiver to the Township Planning Commission, Board of Supervisors and, if necessary, other officials.
- 305.03 <u>Review of the Waiver</u>. The waiver is reviewed by the Township staff and Planning Commission. Recommendations are forwarded to the Board of Supervisors.
- 305.04 <u>Ruling on the Waiver</u>. The Board of Supervisors shall have the authority to approve or disapprove the waiver. In granting any waiver, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

Action on the waiver shall be entered in the minutes of the Board of Supervisors and forwarded to the applicant.

Failure of the Board of Supervisors to render a decision and communicate it to the applicant as described herein, shall not be deemed approval of the waiver.

Section 306 Plans Exempted from Standard Procedures

306.01 <u>Procedure for Processing Revised Final Subdivision and/or Land</u> <u>Development Plans</u>. Previously approved final subdivision and/or land development plans may be changed in accordance with this procedure to correct an obvious error. The revised plan shall not alter the number, location or configuration of lots, buildings or other aspects of the plan beyond the original understanding of the Board of Supervisors.

> All revised subdivision and/or land development plan applications which meet the above, shall be submitted to the designated Township representative who has been authorized to receive revised plans, at the Township Building, on any business day. Each application shall include three (3) paper copies of the revised Final Plan and one (1) application form (see Appendix No. 6). The Board of Supervisors shall have the authority to approve or disapprove the revised plan. The applicant will be advised of the scheduled meeting for consideration of the revised plan.

> If the Board of Supervisors determine that the revised plan conforms with the above standards, the applicant shall prepare Final Plans for recordation in accordance with Section 304.06.

306.02 <u>Procedure for Processing Lot Add-On Plans</u>. The lease, conveyance, sale, or transfer of land for the sole purpose of increasing the lot size of an adjacent contiguous lot may be submitted in accordance with this procedure, provided no additional lots are created and the resulting configuration does not create a nonconformity with the design provisions of this Ordinance.

All lot add-on plans which meet the above shall be submitted to the designated Township representative who has been authorized to receive lot add-on plans, at the Township Building, on any business day. Each application shall include three (3) paper copies of the lot add-on plan and one (1) application form (see Appendix No. 6). The Board of Supervisors shall have the authority to approve or disapprove the plan. The applicant will be advised of the scheduled meeting for consideration of the revised plan.

If the Board of Supervisors determines that the revised plan conforms with the above standards, the applicant shall prepare Final Plans for recordation in accordance with Section 304.06.

306.03 <u>Procedure for Processing Minor Preliminary Plans</u>. Applicants may, at their discretion, concurrently request Preliminary and Final Plan approval for developments involving no more than ten (10) residential units which require no new streets or a single non-residential building on one lot. The information submitted with this request shall conform with the Preliminary and Final Plan requirements. All plans shall be identified as Final Plans. Consideration of both the Preliminary and Final Plans will be scheduled at the same meetings.

Information to be Shown On or Submitted With Subdivision and Land Development Plans

Section 401 Sketch Plan

It is recommended that the scale and sheet size of Sketch Plans be as required for Preliminary Plans in Section 402.01 (a) and (c). Although not required, it is recommended that the Sketch Plan be prepared by an engineer, land surveyor, or land-scape architect registered in the Commonwealth of Pennsylvania to perform such duties. It is suggested that the Sketch Plan show or be accompanied by the following data, legible in every detail, but not necessarily drawn to exact scale with precise dimensions:

- a) Name and address of the applicant (if applicable) and landowner.
- b) Name and address of the individual and/or the firm that prepared the plan.
- c) Location map with sufficient information to locate the property.
- d) North arrow.
- e) Written and graphic scale.
- f) Identification of the district, lot size and/or density and yard requirements of the prevailing Zoning Ordinance.
- g) Existing tract boundaries accurately labeled with the names of adjacent landowners and adjacent plans of record.
- h) Name of the municipality in which the project is located, including the location of any municipal boundary lines if located within the vicinity of the property.
- i) Significant topographical and manmade features (e.g. bodies of water, quarries, floodplains, tree masses, structures).
- j) Proposed street, parking, building, lot layout, water supply, sanitary sewage disposal and other planned features.
- k) Proposed land use; if several land uses are proposed, the location of each land use shall be indicated.

The Sketch Plan shall be accompanied by an application (see Appendix No. 6).

Section 402 Preliminary Plans

Preliminary plans shall be prepared by an engineer, land surveyor, and/or a landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. Metes and bounds descriptions shall be prepared by land surveyors, and designs which entail engineering expertise shall be prepared by engineers with appropriate expertise. The Preliminary Plan shall show, be accompanied by, or be prepared in accordance with the following:

- 402.01 Drafting Standards.
- 402.01.1 The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, or 100 feet to the inch. Profile plans shall maintain a ratio of 1:10 vertical to horizontal.
- 402.01.2 Dimensions for the entire tract boundary shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction. The description shall be based upon a survey and not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.

If a landowner is going to retain a single lot with a lot area in excess of ten (10) acres, the boundary of that lot may be identified as a deed plotting and may be drawn at any legible scale; if the retained lot has a lot area of ten (10) or fewer acres, its existing perimeter must be described to the accuracy requirements above.

- 402.01.3 The sheet size shall be no smaller than eighteen by twenty-two (18 x 22) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be numbered to show the relationship to the total number of sheets in the plan (e.g., Sheet 1 of 5).
- 402.01.4 Plans shall be legible in every detail.
- 402.02 Location and Identification.
- 402.02.1 The proposed project name or identifying title.
- 402.02.2 The municipality in which the project is to be located. If the tract of land is located in the vicinity of a municipal boundary line, the location of the boundary shall be shown.
- 402.02.3 A location map, drawn to scale, relating the property to at least two (2) intersections of existing road centerlines, including the approximate distance to the intersection of the centerlines of the nearest existing street intersection.
- 402.02.4 The name and address of the owner, authorized agent of the tract, the developer and the firm that prepared the plans.

402.02.5	Source of title to the land included within the subject application, as shown in the office of the Lancaster County Recorder of Deeds. If equitable owner, the name, address and reference to the equity agreement.
402.02.6	The map and lot number assigned to the property by the Lancaster County Tax Assessment Office.
402.02.7	The file or project number assigned by the firm that prepared the plan, the plan date, and the date(s) of all plan revisions.
402.02.8	A north arrow, a graphic scale, and a written scale.
402.02.9	The total acreage of the entire existing tract.
402.02.10	A statement on the plan identifying the district, lot size and/or density, lot coverage, building coverage, and yard requirements of the prevailing Zoning Ordinance.
402.02.11	A statement on the plan identifying any existing waivers, variances, special exception, conditional use, and existing nonconforming structures/uses.
402.03 <u>Existi</u>	ing Features.
402.03.1	Existing contours, at a minimum vertical interval of two (2) feet for land with average natural slope of four percent (4%) or less and at a minimum vertical interval of five (5) feet for more steeply sloping land. Contours shall be accompanied by the location of the bench mark within or immediately adjacent to the subject tract and a notation indicating the datum used. Contours plotted from the United States Geodetic Survey may only be used for subdivision plans which require no new streets or other public improvement. Contour data is not required beyond two hundred (200) feet of the proposed lots within remaining land which exceeds ten (10) acres. The United States Geodetic Survey shall be used for benchmark datum.
402.03.2	The names of all immediately adjacent landowners, and the names and plan book record numbers of all previously recorded plans for adjacent projects.
402.03.3	The location and description of existing lot line markers and monuments along the perimeter of the entire existing tract.
402.03.4	The following items when located within two hundred (200) feet of the subject tract or beyond two hundred (200) feet when the item affects the tract:
	The location, size, and name of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.
	The location and size of the following features and any related rights-of- way: sanitary sewer mains (including manhole numbers), water supply mains, fire hydrants, buildings, swales, watercourses, bodies of water,

floodplain, and storm water management facilities which affect storm water runoff on the subject tract.

The location and size of existing rights-of-way for electric, gas, and oil transmission lines, and railroads.

402.03.5 The following items when located within the subject tract:

The location, name, and dimensions of existing rights-of-way and cartways for streets, access drives, driveways, and service streets.

The location and size of the following features and related rights-ofway: sanitary sewer mains, water supply mains, fire hydrants, buildings, swales, watercourses, wetlands, bodies of water, floodplain, storm water management facilities, and wooded areas.

The location of existing rights-of-way for electric, gas, and oil transmission lines, and railroads.

- 402.04 Proposed Features.
- 402.04.1 Complete description of the centerline for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 402.04.2 Approximate lot line dimensions and lot areas for all parcels. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines.
- 402.04.3 Lot numbers in consecutive order.
- 402.04.4 In the case of land development plans, the location and configuration of proposed buildings, parking compounds, streets, access drives, driveways, and all other significant facilities.
- 402.04.5 A statement on the plan indicating the proposed total number of lots, units of occupancy, density, minimum lot size, lot coverage, building coverage, types of sanitary sewage disposal, type of water supply, name of authority providing sanitary sewage disposal and water supply (if applicable), and proposed land use. The location of each land use if several types of uses are proposed. This statement shall also include the criteria needed to calculate off-street parking, lot coverage and other requirements of the prevailing Township Zoning Ordinance.
- 402.04.6 Easements.
- 402.04.7 Building setback lines, with distances from the property and street rightof-way. A typical example may be used to identify side and rear yard setback, however, odd or unusual shaped lots shall be plotted with all setback lines.
- 402.04.8 Identification of buildings and other structures to be demolished.

402.04.9	Typical street cross-section for each proposed street and typical cross- section for any existing street which will be improved as part of the application. Each cross-section shall include the entire right-of-way width. Cross-sections for improvements to existing streets shall be pro- vided for each fifty (50) foot station location.
402.04.10	Vertical and horizontal alignment on the same sheet for each proposed street, storm water management facility, sanitary sewer (including man- hole numbers), and water distribution system. All street profiles shall show at least the existing (natural) profile along the centerline, pro- posed grade at the centerline, and the length of all proposed vertical curves for streets. All water distribution and sanitary sewer systems shall provide manhole locations, size and type of material. This infor- mation is not subject to recording with the Lancaster County Recorder of Deeds.
402.04.11	Proposed names for new streets.
402.04.12	Location and material of all permanent monuments and lot line markers, including a note that all monuments and lot line markers are set or indicating when they will be set.
402.04.13	In the case of land development plans, a grading plan. The grading plan shall include finished grades and ground floor elevations. This information may be provided on separate sheets and is not subject to recording in the office of the Lancaster County Recorder of Deeds.
402.04.14	A statement on the plan indicating any proposed waivers. This state- ment must be revised, prior to recordation of the plan, to acknowledge the outcome of the requested waiver.
402.04.15	Identification of any lands to be dedicated or reserved for public, semi- public, or community use.
402.05 <u>Repo</u>	orts.
402.05.1	A Sketch Plan for the entire landholding where the application covers only a part of the property. The application will be considered in light of its relationship to the entire landholdings.
402.05.2	A Sewer Facilities Plan Revision (Plan Revision Module for Land Development), or Supplement in Accordance with the Pennsylvania Sewerage Facilities Act 537 of 1966, as amended.
402.05.3	A storm water management plan in accordance with the Upper Lea- cock Township Storm Water Management Ordinance of 1986, as amended.
402.05.4	A steep slope report for all applications involving lands that possess slopes exceeding fifteen percent (15%) shall require the preparation and submission of the following:
	a) A topographic map of the site which highlights those areas that possess slopes exceeding fifteen percent (15%). Also reflected

		on this map shall be all existing and proposed site improvements (e.g., buildings, roads, sewer systems, driveways, etc.) that are located within the steep slope area;
	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. assure structural safety and minimize harm to the environment associated with the development;
		 minimize grading throughout the site; protect and preserve any valuable natural wildlife and/or plant habitats which coincides with the steep-slope areas
		of the site;protect water quality on and around the site from the
		adverse effects of the proposed use;protect any steep slopes on adjoining properties; and,
	c)	In those instances where buildings and/or other structures are being placed on slopes exceeding ten percent (10%), a description of the methods used to assure adequate foundations, shall be provided.
402.05.5		raffic Impact Report shall be provided whenever a proposed ct includes:
	a) b) c)	Ten (10) or more new dwelling units, or Five thousand (5,000) or more total square feet of new com- mercial or industrial gross floor area, or One hundred (100) or more new average weekday vehicle trips as determined by the Institute of Transportation Engineers (ITE), <i>Trip Generation Manual</i> , latest edition or data based on a similar facility or use if not addressed in the ITE.
	requi stanc modi	Board of Supervisors may waive or modify, in whole or in part, the rement for a Traffic Impact Report or any of the requirements and lards set forth in Section 402.05.5). In considering any waiver or fication, the Board of Supervisors may consider, in their dison, but are not limited to considering, such factors as:
	a) b) c) d) e)	Location of the subject property, Proximity to intersections and major roadways, Projected increase of traffic volume on road system, Number and location of proposed accesses, and, Nature of the use proposed.
	throu	lest for a waiver or modification shall include item numbers 1(a) gh (e) in subsection d) <u>Documentation Required</u> and justifications e request.
	A full	Traffic Impact Report shall include the following:
	a)	Definition of Influence Area. An influence area must be defined which contains eighty percent (80%) or more of the trip ends that

will be attracted to the development. A market study can be used to establish the limits of an influence area, if available. If no market study is available, an influence area shall be estimated based on a reasonable documented estimate. The influence area can also be based on a reasonable maximum convenient travel time to the site, or delineating area boundaries based on locations of competing developments.

Other methods, such as using trip data from an existing development with similar characteristics, or using an existing origindesignation survey of trips within the area, can be used in place of the influence area to delineate the boundaries of the impact. The method used to determine the influence area shall be determined by the Township.

- b) <u>Area of Traffic Impact Report</u>. The Traffic Impact Report area shall be based on the characteristics of the influence area. The intersections and roadway segments to be included in the Report shall be adjacent to the site or impacted by vehicular traffic generated by the development of the site. The intersections and roadway segments shall be determined by the Township and Township Engineer. In the absence of an agreement, the applicant may be required to analyze additional intersections and/or roadway segments within the Report area.
- c) Preparation by Transportation Engineer Required. When it has been determined that a Traffic Impact Report is required for a proposed site development, it shall be the responsibility of the developer to ensure the Report is conducted and submitted in accordance with these regulations. The Traffic Impact Report and final report shall be prepared under the supervision of a registered Professional Engineer who possesses a license issued by the Pennsylvania State Registration Board for Professional Engineers. The final Traffic Impact Report must have the seal of the supervising engineer on it when submitted.
- d) <u>Documentation Required</u>. A Traffic Impact Report shall be prepared to document the purpose, procedures, findings, conclusions, and recommendations of the Report.
 - 1. The documentation for a Traffic Impact Report shall include, at a minimum:
 - (a) Executive summary.
 - (b) Report purpose and objectives. Description of the site and study area.
 - (c) Existing conditions in the area of the development.
 - (d) Recorded or approved nearby development within the Traffic Impact Report area.
 - (e) Trip generation, trip distribution and modal split.

- (f) Projected future traffic volumes (build and no-build).
- (g) A description of the change in roadway operating conditions resulting from the development traffic.
- (h) Recommendations for site access and transportation improvements needed to maintain traffic flow to, from, within, and past the site at an acceptable and safe level of serve as described in paragraph 14.
- (i) Supplemental studies, i.e., gap, queue, left-turn, etc.
- (j) Improvements to be implemented by the Applicant.
- (k) Appendix Include data collection summaries, detailed capacity analysis worksheets, etc.
- (I) Signed and sealed by a professional engineer.
- The analysis shall be presented in a straightforward and logical sequence. It shall lead the reader step-by-step through the various stages of the process and resulting conclusions and recommendations.
- Recommended improvements to the Report area network to include preliminary cost estimates, proposed implementation schedule and expected levels of service for the recommended network. Any off-site improvements which are to be constructed shall be noted.
- 4. The recommendations shall specify the time period within which the improvements shall be made (particularly if the improvements are associated with various phases of the development construction), and any monitoring of operating conditions and improvements that may be required. Monitoring of constructed improvements shall be in accordance with PennDOT regulations. All monitoring shall be performed by the developer and coordinated with the Township.
- 5. Data shall be presented in tables, graphs, maps, and diagrams.
- The executive summary shall be provided at the beginning the Traffic Impact Report and include one or two pages that concisely summarize the purpose, conclusions and recommendations.
- 7. The Traffic Impact Report shall analyze and recommend programs to reduce vehicular trips. Also, support for, and programs to encourage use of, alternate modes of transportation, including carpooling, transit, walking and cycling shall be considered in the Report. The site design shall be shown to maximize potential public transportation usage to and from the development, such as providing adequate turning

radii at access points to allow a bus to enter the development. Bus signs and shelters shall be designated where appropriate as determined by the Township.

e) <u>Data Collection</u>. Existing twenty-four hour and peak hour traffic volume data, including weekdays, Saturdays and Sundays, for all streets which provide direct access to the proposed development and for the arterial streets and collector streets which will serve the proposed development, as well as any major intersection within the traffic impact area. A major intersection shall be any intersection involving at least one (1) major collector street or minor collector street as designated by the Township.

Traffic count data shall not be more than two (2) years old. Manual turning movement traffic counts shall be taken on a Tuesday, Wednesday or Thursday of a non-holiday week. Additional counts (i.e., on a Saturday or Sunday for a proposed commercial or nonresidential development) may also be required by the Township or Township Engineer.

- f) <u>Horizon Year</u>. The traffic forecasts shall be prepared for the anticipated opening year of the development, assuming full buildout and occupancy. This year shall be referred to as the horizon year in the remainder of this Ordinance. If access is proposed onto a State Highway, an analysis shall be conducted at a period of 10 years beyond the opening date.
- g) <u>Non-Site Traffic Estimates</u>. Estimates of non-site traffic shall be made, and will consist of traffic generated by all other developments within the Traffic Impact Report area for which preliminary or final plans have been approved. Non-site traffic may be estimated using historic trends for the roadway or the current addition of Pennsylvania Traffic Data.
- h) <u>Trip Generation Rates Required</u>. The Traffic Impact Report shall include a table showing the categories and quantities of land uses, with the corresponding trip generation rates or equations (with justification for selection of one or the other), and resulting number of adjacent street peak trips (AM and PM), generated peak hour trips, and total daily trips. The trip generation rates used must be either from the latest edition of Trip Generation by ITE, or from a local study of corresponding land uses and quantities. All sources must be referenced in the Report. The reasoning and data used in developing a trip generation rate for special/unusual generators must be justified and explained in the Report and approved by the Township.
- <u>Consideration of Pass-By Trips</u>. If a reduction in the sitegenerated traffic volumes is a consideration for the land use in question, studies and interviews at similar land uses in similar areas must be conducted or referenced justifying the pass-by reduction to be applied.

- j) <u>Rate Sums</u>. Any significant difference between the sums of single-use rates and proposed mixed-use estimates must be justified in the Report. If a reduction in the overall trip generation of a mixed-use development was proposed due to internalization, documentation shall be provided.
- k) <u>Estimates of Trip Distribution Required</u>. Trip distribution can be estimated using any one of the following three methods:
 - 1. Analogy
 - 2. Trip distribution model
 - 3. Surrogate data

Whichever method is used, trip distribution must be estimated and analyzed for the horizon year. A multi-use development may require more than one distribution and coinciding assignment for each phase (for example, residential and retail phases on the same site). Consideration must also be given to whether site generated inbound and outbound trips will have similar distributions.

I) Trip Assignments. Assignments must be made considering logical routings, available roadway capacities, left turns at intersections, and projected (and perceived) minimum travel times. In addition, multiple paths shall often be assigned between origins and destinations to achieve realistic estimates rather than assigning all of the trips to the route with the shortest travel time. The assignments must be carried through the external site access points and in large projects (those producing two hundred [200] or more additional peak direction trips to or from the site during the development's peak hour) through the internal roadways. When the site has more than one access driveway, logical routing and possibly multiple paths shall be used to obtain realistic driveway volumes. The assignment shall reflect conditions at the time of the analysis. Assignments can be accomplished either manually or with applicable computer models.

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

- 1. Determine the percentage of pass-by trips in the total trips generated.
- 2. Estimate a trip distribution for the pass-by trips.
- 3. Perform two separate trip assignments, based on the new and pass-by trip distribution.
- 4. Combine the pass-by and new trip assignment.
- m) <u>Total Traffic Impacts</u>. Traffic estimates for any site with current traffic activity must reflect not only new traffic associated with the site's redevelopment, but also the trips subtracted from the traffic stream because of the removal of a land use. The Traffic Impact

Report shall clearly depict the total traffic estimate and its components.

The Report area roadway network is to be analyzed for safety and capacity sufficiency for three separate conditions: (1) existing network conditions, (2) future network conditions without the proposed development, and (3) future network conditions with the proposed development. For each of the three conditions, the following analyses shall be completed:

- Mainline ADT volumes and turning movement volumes for all intersections within the Report area will be determined for the AM peak hour, PM peak hour and the proposed development peak hour, if other than either the AM or PM peak hour of the network.
- 2. The effectiveness of the traffic signal control at all intersections will be evaluated by approach in terms of vehicle stops and delays.
- 3. Gap studies will be conducted in accordance with standards established by the ITE at the proposed site access points to evaluate the need for signal control, turn prohibitions or additional site access points to reduce the left-turn volume from the site driveways if unsatisfactory levels of service are achieved.
- 4. Queue length studies will be completed in accordance with standards established by the ITE to evaluate the potential for a backup of traffic from controlled intersections which could impact other intersections including access points to the proposed development.

The analysis of the existing roadway and intersection conditions in the Report area will be based upon the current geometric conditions and traffic control operations. This analysis will serve as a basis for determining the current adequacy of the roadway network and to document any deficiencies.

The analysis of the future conditions without the proposed development will document the adequacy of the Report area network to accommodate traffic in the horizon year(s) without the proposed development.

The analysis of the future conditions with the proposed development will document the adequacy of the Report area network to accommodate traffic in the horizon year(s) with the proposed development.

n) <u>Required Levels of Service</u>. The recommendations of the Traffic Impact Report shall provide safe and efficient movement of traffic to and from, and within and past, the proposed development while minimizing the impact to non-site trips. The current levels of service must be maintained if they are C or D, they shall not deteriorate to worse than C if they are currently A or B, and shall be improved to a D if they are E or F. In addition, there shall be no increase in delay if an unsatisfactory level of service cannot be improved.

o) <u>Capacity Analysis</u>. Capacity analysis must be performed at each off-site street intersection and project site access intersection locations (signalized and unsignalized) within the Report area. In addition, analyses must be completed for roadway segments affected by the proposed site traffic within the Report area. These may include such segments as weaving, sections, ramps, internal site roadways, parking facility access points, and reservoirs for vehicles queuing off-site and on-site. Other locations may be deemed appropriate depending on the situation.

The recommended level-of-service shall be computed in accordance with the *Highway Capacity Manual, Special Report 209, As Amended,* published by the Transportation Research Board, or any subsequent revision of such manual. The most current version of the Highway Capacity Software shall be used.

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

In developing the proposed improvements, the Report preparer is to consider the following:

- 1. All highway capacity evaluations shall consider not only the overall intersection level of service and delay but also evaluate each approach or lane group and movement to identify any substandard values which need to be improved.
- 2. For locations where the level of service of the horizon year without the proposed development is F, the improvements shall provide an estimated delay which will be no worse than the delay for the horizon year without the proposed development.
- Where new intersections are being established to serve as access to the proposed development, these intersections must be designed to at least operate at Level of Service C or better.
- 4. For access points to the proposed development, which are not proposed to be controlled by a traffic signal, an analysis will be completed to determine the design details for a separate left-turn lane on the adjoining highway.
- 5. For access points to the proposed development where traffic signal control is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of PennDOT's Publication 201, *Engineering and*

Traffic Studies, and PennDOT's Publication 149, *Traffic Signal Design Handbook*. If the analysis warrants turning lanes, the type of signal phasing required shall be determined.

(Note: The above Section 402.05.5 was revised on April 19, 2001, by Ordinance No. 2-2001.)

- 402.06 <u>Certifications and Notifications</u>.
- 402.06.1 Where the land included in the subject application has an electric or telephone transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the application shall be accompanied by a copy of the right-of-way agreement or a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- 402.06.2 A statement by the individual responsible for the data to the effect that the survey, plan and/or other general data are correct (see Appendix No. 1). This statement must be placed on both plans and reports.
- 402.06.3 A statement acknowledging that the subdivision or land development shown on the Plan is presented with the consent of the landowner.
- 402.06.4 A statement that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), as amended, before any improvements are initiated with a State highway, or a street, access drive, or driveway intersection to a State highway is permitted.
- 402.06.5 An application (see Appendix No. 6).
- 402.06.6 (Optional) A statement acknowledging Township action (see Appendix Nos. 3 and 4).
- 402.06.7 An executed Memorandum of Understanding which sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements (see Appendix No. 8).
- 402.06.8 For all land development plans for nonresidential buildings or multifamily residential dwellings, a statement from all applicable emergency response organizations (i.e., fire department or company, police department, ambulance) regarding that organization's ability to effectively provide service to the development (see Section 615).

(Note: The above Section 402.06.8 was added on April 19, 2001, by Ordinance No. 2-2001.)

402.07 <u>Filing Fee</u>. The Preliminary Plan shall be accompanied by a check or money order drawn to Upper Leacock Township in an amount specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township building.

Section 403 Final Plans

Final plans shall be prepared by an engineer, land surveyor, or landscape architect registered in the Commonwealth of Pennsylvania to perform such duties. The Final Plan shall show, be accompanied by, or prepared in accordance with the following:

- 403.01 <u>Drafting Standards</u>. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.01.
- 403.02 <u>Location and Identification</u>. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.02.
- 403.03 <u>Existing Features</u>. The same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.03.
- 403.04 <u>Proposed Features</u>. In addition to the following data, the same standards are required for a Final Plan as specified for a Preliminary Plan in Section 402.04.
- 403.04.1 Complete description of the centerline and right-of-way line for all new streets. This description shall include distances and bearings with curve segments comprised of radius, tangent, arc, and chord. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 403.04.2 Complete description of all lot lines, with accurate bearings and distances, and lot areas for all parcels. Curve segments shall be comprised of arc, chord, bearing and distance. Along existing street rights-of-way, the description may utilize the existing deed lines or road centerlines. Along all proposed street rights-of-way, the description shall be prepared to the right-of-way lines. The description shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- 403.04.3 Locational dimensions for easements with sufficient detail to provide easy on-site location.
- 403.05 <u>Reports</u>. The same standards are required for a Final Plan as specified for Preliminary Plan in Section 402.05. If the reports were submitted with the Preliminary Plan and the contents are unchanged, they may be submitted by reference as opposed to full text submission.
- 403.06 <u>Certifications and Notifications</u>. In addition to the following data, the same standards are required for a Final Plan as specified for Preliminary Plan in Section 402.06.
- 403.06.1 A statement acknowledging Final Plan approval (see Appendix No. 5). This statement must be placed on all sheets which are subject to recording in the office of the Lancaster County Recorder of Deeds.
- 403.06.2 A statement acknowledging Plan Review by the Township Planning Commission (see Appendix No. 3). This statement must be placed on all sheets which are subject to recording in the office of the Lancaster County Recorder of Deeds.

403.06.3	Notice from the Pennsylvania Department of Environmental Resources that a Sewer Facilities Plan Revision or Supplement has been approved.
403.06.4	A notarized statement signed by the landowner, duly acknowledged before an officer authorized to take acknowledgment of deeds, to the effect that the subdivision or land development shown on the plan is the act and the deed of the owner, that all those signing are all the owners of the property shown on the survey and plan, and that they desire the same to be recorded (see Appendix No. 2). This must be dated following the last change or revision to said plan.
403.06.5	A statement of dedication of streets and other public property as well as area that is not to be offered for dedication (see Appendix No. 2).
403.06.6	The submission of a controlling agreement in accordance with Section 602.02 when an application proposes to establish areas which are not offered for dedication to public use.
403.06.7	Such written notices of approval as required by this Ordinance, in- cluding written notices approving the water supply systems, sanitary sewage systems, and storm water runoff to adjacent properties.
403.06.8	Notice from Lancaster County-Wide Communications stating that the proposed street names are acceptable.
	Appendix No. 10 shall be used to provide such notice. This form is to be completed by the applicant and sent by facsimile machine to Lancaster County-Wide Communications (717/664-1126). The returned, signed facsimile may then be submitted to the Commission.
(Note: The above Section	403.06.8 was revised on April 19, 2001, by Ordinance No. 2-2001.)
403.06.9	A statement to accommodate the Lancaster County Recorder of Deeds information (see Appendix No. 3).
403.06.10	Improvement guarantees in accordance with Article V.
403.06.11	An application (see Appendix No. 6).
403.06.12	An executed Memorandum of Understanding which sets forth the responsibilities of all parties regarding the installation and inspection of the required improvements (see Appendix No. 9).
ord	ng Fee. The Final Plan shall also be accompanied by a check or money er drawn to Upper Leacock Township in an amount specified on the fee edule adopted by resolution of the Board of Supervisors and available at Township Building.

Improvement Guarantees

Section 501 General

No project shall be considered in compliance with this Ordinance until the streets, street signs, sidewalks, curbs, landscaping, storm drainage for dedication or which affect adjacent properties or streets, sanitary sewer facilities for dedication, water supply facilities for dedication, fire hydrants, lot line markers, survey monuments and other such public improvements have been installed in accordance with this Ordinance and other applicable Township ordinances.

When sanitary sewer and water supply facilities are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

No Final Plan shall be signed by the Board of Supervisors for recording in the office of the Lancaster County Recorder of Deeds unless: (1) a financial security in accordance with Section 502 is accepted by the Board of Supervisors, and/or (2) the public improvements required by this Ordinance have been installed.

The applicant is not required to provide financial security for the cost of any improvements for which financial security is required by and provided to, the Pennsylvania Department of Transportation in connection with the issuance of a Highway Occupancy Permit pursuant to Section 420 of Act 420 of June 1, 1945 (P.L. 1242. No. 428) known as the State Highway Law.

(Note: The above paragraph was added on April 19, 2001, by Ordinance No. 2-2001.)

Section 502 Financial Security

The administration of the financial security shall comply with the provisions of this Article, the Pennsylvania Municipalities Planning Code, Act 247, as re-enacted and amended by Act 170 of 1988, and as subsequently amended, and other applicable laws of the Commonwealth.

502.01 <u>Submission of Financial Security</u>. Final Plan applications which include public improvements that have not been installed, shall include a financial security and Memorandum of Understanding (see Appendix No. 9).

502.01.1 <u>Type of Financial Security</u>. Although the Board of Supervisors may accept an alternative type of financial security, commonly used forms are Surety Performance Bonds, Escrow Accounts, and Irrevocable Letters of Credit. Such financial security must comply with the following, and is subject to review by the Township Solicitor and Board of Supervisors for adequacy.

- a) Surety Performance Bond. A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the Township.
- b) Escrow Account. A deposit of cash either with (1) the Township or (2) in escrow with a Federally-chartered financial institution. In the case of an escrow account, the developer shall file an agreement between the financial institution and himself guaranteeing the following:
 - (1) That the funds of said escrow account shall be held in trust until released by the Township and may not be used or pledged by the developer as security in any other matter during that period.
 - (2) In the case of a failure on the part of the developer to complete said improvements, the institution shall immediately make the funds in said account available to the Township for use in the completion of those improvements.
- c) Irrevocable Letter of Credit. A letter provided by the developer from a Federally-chartered financial institution. This letter shall be deposited with the Township and shall certify the following:
 - (1) The amount of credit.
 - (2) In case of failure on the part of the developer to complete the specified improvements within a time period specified in a written agreement, the creditor shall pay to the Township immediately and without further action, upon presentation of a signed draft drawn on the issuing lending institution in an amount to which the Township is entitled, or upon presentation of the original letter of credit, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
 - (3) The letter of credit is irrevocable and may not be withdrawn, or reduced in amount, until release or partially released by the Township.

When requested by the developer, in order to facilitate financing, the Township shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

502.01.2 <u>Amount of Financial Security</u>. The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date schedule 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 shall be posted by the developer in accordance with this Ordinance.

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

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

502.02 <u>Release of Financial Security</u>. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Board of Supervisors. The Township may, at its discretion, allow a reduction of a portion of the financial security provided said portion accounts for a minimum of twenty percent (20%) or one hundred thousand dollars (\$100,000) of the total financial security. All requests for release shall be in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. This notice shall include the "As-Built Plan" in accordance with Section 506. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize Township Engineer to inspect all of the aforesaid

improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

The Board of Supervisors shall notify the developer, within fifteen (15) days of receipt of the Township Engineer's report, in writing by certified or registered mail of the action of The Board of Supervisors with relation thereto.

If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its financial security agreement.

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

Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

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

502.03 <u>Other Remedies</u>. If proceeds of the financial security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install all or part of such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

Section 503 Dedication of Improvements

All improvements shall be deemed to be private improvements and only for the benefit of the specific project until such time as the same have been offered for dedication and formally accepted by the Board of Supervisors. No responsibility of any kind with respect to improvements shown on the Final Plan shall be transferred until the improvements have been formally accepted. All requests for dedication shall follow the current procedures of the Township of Upper Leacock.

Section 504 Maintenance Guarantee

The Board of Supervisors may, at its discretion, require the developer to submit a maintenance guarantee or other approved guarantee as specified herein, guaranteeing the structural integrity as well as function of any improvement shown on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication by the Board of Supervisors. Said guarantee shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements and be of the same type of financial security as required in this Article.

Section 505 Inspection of Improvement During Construction

Prior to the initiation of construction, the developer shall notify the Township so that an inspection schedule can be coordinated with the construction schedule. Additionally, the Township shall be notified four (4) working days in advance of any intended date of construction. The provisions stated herein shall be construed as mandating periodic inspections and the undertaking of periodic inspections shall not be construed as an acceptance of the work during construction or as a final inspection of the construction.

The Township, at the expense of the developer, reserves the right to inspect and require tests of the improvement to determine whether the improvement complies in all respects with the requirements of the Township.

Section 506 As-Built Plans

Upon completion of all required improvements and prior to final inspections of improvements, the developer shall submit two (2) copies (one paper and one mylar) of a plan labeled "As-Built Plan." The As-Built Plan shall be signed and sealed by a professional surveyor registered in the Commonwealth of Pennsylvania. The following is a list of items that, when included as part of the development, shall be included on the As-Built Plan:

- 506.01 Concrete monuments which were set at all angle breaks, points of curvature and tangents around the perimeter of the total tract.
- 506.02 Lot line markers (iron pins or drill holes in curbs) for all individual lot lines.
- 506.03 Required landscaping/screening.
- 506.04 Profile of the centerline of the street.
- 506.05 Cul-de-sac radius.
- 506.06 Cartway centerline versus right-of-way centerline.
- 506.07 Floodplain by elevation and dimension from property line.
- 506.08 Storm water swales (location, cross section easements).

- 506.09 Storm water pipes (horizontal and vertical location, type, and size).
- 506.10 Detention basins including contours, outlet structure (including type, size and inverts) and the elevation and dimensions of the embankment and emergency spillway.
- 506.11 Sanitary sewer and water facilities to include vertical location (station numbers if in street), length, depth (profiles), size and material. All valves, fittings and curb boxes shall be provided with a triangulated locational data.

The As-Built Plan is required with each intermediate request for release of financial security. The plan shall note all deviation from the previously approved drawings.

(Note: The above Section 506 - As-Built Plans was revised on April 19, 2001, by Ordinance No. 2-2001.)

Design Standards

Section 601 General

The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments. Whenever other Township ordinances or regulations impose more restrictive design standards than those contained herein, the more restrictive shall apply.

Subdivisions and/or land developments shall be designed to comply with the requirements of the Zoning Ordinance when in effect. Whenever the Zoning Ordinance provides that the use proposed by the applicant for subdivision and/or land development approval shall constitute a use by special exception or a conditional use, the applicant shall obtain such special exception or conditional use approval from the Zoning Hearing Board or the Board of Supervisors, as applicable, prior to the submission of the Final Plan. The Plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception or conditional use by the Zoning Hearing Board or the Board of Supervisors, as applicable.

Whenever the applicant proposes to develop a subdivision and/or land development in a manner that would require a variance from any requirements of the Zoning Ordinance, the applicant is encouraged to obtain such variance from the Zoning Hearing Board prior to the submission of the Final Plan. The Plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such variance or variances by the Zoning Hearing Board.

- 601.01 <u>Relationship to Natural Features</u>. Design consideration shall be given to the site characteristics, such as site configuration, geology, soil, topography, water bodies, ecology, vegetation, structures, road network, visual features and past/present use of the site. Development of the site shall be designed to preserve the natural features of the site, avoid areas of environmental sensitivity, and minimize negative impacts and alteration of natural features.
- 601.02 <u>Conformance With Adopted Plans</u>. Design of the development shall take into consideration all adopted Township, County, and State plans for the Township and surrounding communities.
- 601.03 <u>Relationship of the Development to Existing Facilities and Services</u>. The proposed development shall be coordinated with all existing facilities and services, including, but not limited to, the transportation network, sanitary sewer facilities, water supply facilities, storm water management facilities, and emergency response organizations.

(Note: The above Section 601 - General was revised on April 19, 2001, by Ordinance No. 2-2001.)

Section 602 Streets, Alleys, Access Drives, and Driveways

- 602.01 <u>Conformance with Adopted Plans</u>. The proposed street pattern shall be properly related to existing streets, Official Maps, and such Township, County, and State highway plans as have been duly adopted.
- 602.02 <u>Private Streets</u>. Private streets are prohibited unless they meet the design standards of these regulations. Applications which propose a private street shall be accompanied by a right-of-way agreement which is subject to the review and approval of the Township. This agreement shall be recorded with the office of the Lancaster County Recorder of Deeds on the same date as the recording of the Final Plan. This agreement shall contain at least the following:
 - a) Identification of the entity with responsibility for the private street. This entity shall be principally composed of the owners of land which the private street system serves.
 - b) Provision for enforcing the agreement upon all parties of the agreement.
 - c) Assurance that the street will be constructed and maintained in conformance with this Ordinance.
 - A requirement that a future offer of dedication will not be made until and unless the street is restored to the prevailing standards for a Township street.
 - e) A requirement that an offer of dedication will include either the entire street system, or sections which provide reasonable circulation within the public street system.
 - f) A method for assessing maintenance and repair cost.
- 602.03 Improvements to Existing Streets. Where a subdivision or land development abuts an existing Township and/or state street, or will have traffic on an existing, adjacent Township and/or state street or intersection, as indicated by the Traffic Impact Report performed under Section 402.05.5 of this Ordinance, the developer shall make the following improvements:

Where the Traffic Impact Report indicates that improvements are necessary or advisable to existing Township and/or state streets and/or intersections within the Traffic Impact Report area in order to:

- assure adequate, safe and convenient access to each lot and/or structure and/or parking compound proposed as part of the development of the tract,
- 2. accommodate the traffic due to the proposed development,
- provide for a level of service and delay for the horizon year, or years for phased projects, with the development which is at least equivalent to the protected level of service and delay for the horizon year(s) without the

proposed subdivision or development, and/or

4. preserve the existing convenience of access to or ability to exit from abutting properties which gain access from the existing street, the developer shall install all such indicated improvements. The developer shall install additional traffic lanes, traffic dividers, traffic control devices, traffic signals, and other measures as appropriate to ensure that the development of the tract does not adversely impact the existing street system and/or access to, or the ability to exit from, properties gaining access from an affected street.

If the Traffic Impact Report indicates that improvements must be made to a state street, the developer shall also take all action necessary to obtain any PennDOT permits and/or approvals to install the necessary street widening and/or traffic control devices.

If the Traffic Impact Report recommends installation of traffic signals or traffic signal modifications, the developer shall prepare all studies and submit all necessary applications and information, including Township specifications for all proposed equipment to enable the installation of the traffic signal or modifications, and shall install the traffic signal or modifications at their cost and expense.

If the Traffic Impact Report indicates that traffic control devices or regulations, including, but not limited to, stop intersections, speed limit reductions, or parking prohibitions are required, the developer shall prepare all studies necessary to justify imposition of such regulations in accordance with PennDOT regulations and shall pay all costs associated with the preparation and enactment of an ordinance to establish such regulations.

It is the developer's responsibility to revise and update traffic signal condition diagrams when any geometric changes are proposed.

The developer shall bear all costs and expenses in connection with the improvements required by Section 602.03.1. If the developer requires the Township to submit any permit applications or requests for approvals in the name of the Township, the developer shall reimburse the Township for all costs and expenses incurred by the Township in connection with its review of the application and submission of the application to PennDOT or any other governmental agency.

- 602.03.1 The following specific control and access requirements shall be met for developments which produce 100 peak hour directional trips:
 - a) If any traffic signals are to be installed, the distance between any new and/or existing signals shall be at least one thousand (1,000) feet, unless it can be demonstrated that adjacent traffic signals can operate sufficiently at lesser distances.
 - b) Design of proposed development access points shall take into consideration the horizontal and vertical grades of the existing road network in the Traffic Impact Report area to permit safe and convenient access to the site as defined in the latest Penn-DOT standards and regulations. All modifications required to

meet these regulations will be the responsibility of the developer.

- c) The developer shall demonstrate by using the latest PennDOT standards and regulations that the proposed use will not create traffic patterns and movements which will jeopardize the traveling pubic.
 - Stacking of sufficient length shall be provided in all traffic lanes on the site and off the site on adjacent roadways to insure that there shall be no blockage of through traffic. The design and length of the stacking lanes shall be justified and supported by the queuing analysis required as part of the Traffic Impact Report.
 - 2. Street and/or access drives to and within the site shall be designed in a manner that blockage of through traffic by vehicles attempting to enter or exit on these streets or access drives will not occur.
 - 3. Acceleration, deceleration and turning lanes shall be of sufficient lengths to accomplish their intended use.
- 602.03.2 If reduction of the speed limit, installation of traffic control devices, limitation of parking or turning movements or similar measures are required to mitigate traffic impacts upon Township or State highways, the applicant shall present traffic studies performed in accordance with PennDOT regulations and Publication No. 201 *Engineering and Traffic Study Regulations*. The erection or the installation of such traffic control devices shall be in accordance with Title 67, Chapter 211, *Official Traffic Control Devices*, of PennDOT regulations. If the enactment of an ordinance is necessary to effectuate the traffic regulations or the installation of the traffic control device, the applicant shall reimburse the Township for all expenses in the preparation and enactment of the necessary ordinance.
- 602.03.3 No street shall be located in a manner which would limit access to or exit from abutting properties gaining access from the existing street with which a proposed street will intersect unless the developer provides such lots with alternate access from the proposed street system in a manner acceptable to each affected lot owner. It shall be the burden of the applicant to demonstrate that such access is acceptable to all owners of an affected lot. For the purpose of this provision, limitation of access shall include the limitation of movements into or exiting the abutting property or properties gaining access from the existing street, whether by traffic regulations, installation of barriers to prevent turning movements, installation of additional traffic lanes in front of a property, or difficulties or delays resulting from increased flows.
 - 602.03.4 Where new intersections are being established to serve as access to the proposed development, these improvements must be designed to at least operate at Level-of-Service C or better.
 - 602.03.5 For access points to the proposed development, and any major intersections where signal control may be required or is being proposed, a

traffic signal warrant analysis shall be performed in accordance with the requirements of PennDOT's Publication 201, *Engineering and Traffic Studies*, and PennDOT's Publication 149, *Traffic Signal Design Handbook*.

- 602.03.6 Emergency traffic signal preemption shall be addressed and provided as required.
- 602.03.7 Additional left and right turning lanes shall be provided if needed to improve the level of service as required by this Ordinance.
- 602.03.8 An agreement between the Township and developer shall be provided with regard to operating expenses and maintenance of proposed traffic signals.
- 602.03.9 Additional through lanes and lane transitions of sufficient length shall be provided to allow smooth traffic flow to existing traffic lanes, thus minimizing congestion, delays and/or blockage of through traffic within the proposed improvement area. The design and length shall be justified and supported by the queuing analysis required as part of the Traffic Impact Report and PennDOT standards.

(Note: The above Section 602.03 – Improvements to Existing Streets was revised on April 19, 2001, by Ordinance No. 2-2001.)

602.04 <u>Arterial Street Design</u>. An arterial street is one which carries vehicular traffic to and from the region, as well as any through traffic. It provides connections between villages and other traffic generators which develop substantial volumes of traffic. The design standards for arterial streets shall be as specified by the Township and Pennsylvania Department of Transportation, based upon the projected average daily traffic and speed limit.

Where a development abuts an arterial street, the Township may require the use of marginal access streets, reverse frontage lots, or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major street, and separate the local and through traffic.

602.05 <u>Arrangement</u>. Streets shall be designed with consideration to both existing and planned streets.

All streets shall be arranged to conform as closely as possible to the original topography.

New streets shall be connected with streets of similar function, to form continuations thereof.

Local streets shall be laid out to discourage use by through traffic.

Streets shall be laid out to provide convenient and safe access to the property.

The rigid rectangular street pattern is not required. The use of curvilinear streets may be provided when their use will result in a more desirable relationship with circulation routes, adjoining development patterns, topography, and natural features.

602.06	Street Provisions for Future Development. Where appropriate, areas shall be
	reserved for future street usage in conjunction with the development of
	adjacent tracts. Areas reserved for future street usage will not be required to
	be improved; however, the right-of-way for these areas shall be reserved for
	street improvements to be provided by the developer of the adjacent tract.

Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project provided this use is not adverse to the man-made or natural features of the site.

When connecting a proposed street to an existing temporary cul-de-sac, such connection and all restoration work required to restore the adjacent lots in the area of the existing turnaround shall be the responsibility of the developer proposing the connection.

- 602.07 <u>Street Names</u>. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All new street names are subject to the approval of Lancaster County-Wide Communications and the local U.S. Post Office. Notice that the proposed new street names are acceptable shall be submitted prior to the final plan approval. All street names shall conform, where applicable, to the local municipal plan for street names. Private streets shall be named in conformance with this section (See Appendix No. 10.)
- 602.07.1 At least two (2) street name signs shall be placed at each four-way street intersection and one at each "T" intersection. Signs shall identify both intersecting streets. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the municipality, of uniform size and color, and erected in accordance with municipal standards.

Regulatory signs (i.e., stop, pedestrian crossing, parking) shall be installed at all locations deemed appropriate by the Township and shall conform to Township specifications.

Private streets shall be provided with street name signs in conformance with this section. The plan shall note that it is the responsibility of the developer to install the street name signs for private streets.

- 602.07.2 Street signs, including name, and traffic controls shall be installed by the Township and funded by the developer.
- (Note: The above Section 602.07 Street Names was revised on April 19, 2001, by Ordinance No. 2-2001.)
- 602.08 <u>Vertical Alignments</u>. Vertical street alignments shall be measured along the centerline. The minimum grade of all streets shall be seventy-five hundredths percent (0.75%). The maximum grade shall not exceed ten percent (10%).
- 602.08.1 Vertical curves shall be used in changes of grade exceeding one percent (1%). The minimum lengths, in feet, of vertical curves shall be thirty (30) times the algebraic difference in grade. For example, if a three percent (3%) upgrade is followed by a four percent (4%) down-grade, the algebraic difference in grade is 7 [+3-(-4)=7]; the minimum

length of the vertical curve would then be 105 feet [30x7=210].

- 602.08.2 Where the approaching grade exceeds seven percent (7%) on any or all streets at a four-way street intersection, or the terminating street at a three-way intersection, a leveling area shall be provided. Such leveling area shall have a maximum grade of four percent (4%) for a minimum length of one hundred (100) feet measured from the intersection of the centerlines.
- 602.08.3 The grade within the diameter of a turnaround at the terminus of a permanent cul-de-sac shall not exceed five percent (5%).
- 602.08.4 All areas within the street right-of-way shall be graded substantial consistent with the street centerline. The maximum slopes of banks located outside of the street right-of-way, measured perpendicular to the right-of-way of the street shall be two to one (2:1). Slope of disturbed banks, located outside of the street right-of-way shall not exceed three to one (3:1) for fills and two to one (2:1) for cuts.
- 602.08.5 <u>Streets within Floodplain Overlay Zones.</u> The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation as defined within the Official Upper Leacock Township Floodplain Management Ordinance.

(Note: The above Section 602.08.5 was revised on March 17, 2016, by Ordinance No. 4-2016.)

602.09 <u>Horizontal Alignments</u>. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes in excess of two (2) degrees.

Single, long radius curves shall be used rather than a series of curves with varying radii and/or a series of short curves separated by short, straight segments.

The minimum horizontal curve radius for a street which serves as the main entrance or circulation street in any development shall be three hundred (300) feet and for all other streets shall be one hundred fifty (150) feet. All curves shall be tangential arcs.

A minimum one hundred (100) foot tangent shall be provided between reverse curves on collector streets.

- 602.09.1 <u>Perimeter Streets</u>. Street locations along the perimeter of a property shall be required to provide building setback lines and clear sight triangles within the adjacent properties; permission for these encroachments shall be obtained from the adjacent landowner.
- 602.09.2 <u>Cartway Alignment</u>. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.
- 602.10 <u>Street Right-of-Way and Cartway Widths</u>. The minimum street rights-of-way and cartway widths shall be as follows:

			Minimum	Minimum						
		Function	Right-of-Way Width	Cartway Width						
	density in ex use, or a con	h provides access to a residential land use with a cess of four (4) dwelling units per acre, an industrial nmercial land use and/or serves as the main circulation street in any development.	50 ft.	36 ft.						
	A street whic density of fou institutional la	h provides access to a residential land use with a ur (4) or less dwelling units per acre or an	50 ft.	28 ft.						
	Turnaround*		100 ft.	80 ft.						
	The extens way differe	f Supervisors may permit an alternative turnaround nto a parking court or a landscaped island, prov juate radii are used and guaranteed long-term maint ion of existing streets which are presently nt from the standards of this Ordinance rea, the design of which is subject to Town	constructed v shall be provided	with a cart- ded with a						
602.11	DOT speci constructed	<u>Street Improvements</u> - All streets shall be designed in accordance with Penn- DOT specifications, acceptable engineering standards. State roads shall be constructed according to PennDOT standards. Non-state roads shall conform to the following:								
602.11.1	<u>Sub</u>	grade - The subgrade shall be prepared, a	s specified bel	OW:						
	a)	All rock shall be removed and covered w of suitable material meeting the physic paction requirements of PennDOT.	• • •							
	b)	Preparation of subgrade shall conform quirements of PennDOT.	to the const	ruction re-						
	c)	Subbase shall be a layer of 2A or 2A Mo compressed to six (6) inches thickness u tory roller, or its equivalent when authoriz	using a ten (10) ton vibra-						
	d)	A two percent (2%) slope from the street the street shall be maintained when fin subbase.								
	e)	No stone shall be laid on frozen ground.								
	f)	Geotextile fabric shall be used when with the specific street design or at the ship.								
602.11.2	cours minir	- Base construction materials shall be b se BCBC (Superpave or Gyratory 22-m num compacted thickness of five (5) inche ton vibratory roller, or its equivalent when	m Base Cour es, compacted	se) with a I with a ten						
602.11.3	minir Gyra vibra	<u>Final Wearing Course</u> . The Final Wearing Course shall be ID-2 with a minimum compacted thickness of two (2) inches (Superpave or Gyratory 9.5-mm Wearing Course) compacted with a ten (10) ton vibratory roller, or its equivalent when authorized by the Township. Edges shall be sealed with AC-20 (PG 64-22).								

602.11.4	Finished Streets. All finished streets must maintain a two percent (2%) slope from the street centerline to the edge of the street, except on super elevations.						
602.11.5	<u>Restoration for New and Existing Streets</u> . All street restoration shall conform with Section 602.11.1 through 602.11.3 with the following exceptions:						
	 a) The Base and Temporary Wearing Course shall be at a minimum compacted thickness of seven (7) inches. b) The Final Wearing Course shall include a one (1) foot cutback beyond the cut area, wherein two (2) inches of existing material shall be milled and replaced with the same thickness of ID-2 (Superpave or Gyratory). All edges shall be sealed with AC-20 (PG 64-22). 						
602.11.6	Excavation Within Existing Streets. All street excavations shall conform to the following:						
	a) <u>Permits</u> . The Contractor/Developer shall secure the necessary State highway and municipal permits for work within a State highway or a municipal street. The Developer/Contractor will comply with all PennDOT and municipal laws, rules and regula- tions, and ordinances, including, but not limited to, furnishing bonds and insurance required for the project and the cost of in- spection of the work. All Highway Occupancy Permit Application fees and any fees from the Township for road opening permits shall be the Contractor/Developer's expense and additional highway inspection fees charged by PennDOT will be the responsibility of the Contractor/Developer.						
	In accordance with the provisions of Section 67322 of Article XXIII of the Second Class Township Code, as amended, no gas pipe, sewer pipe, water pipe, electrical conduits, or other piping, shall be laid upon, or in, nor shall any telephone, telegraph, or electric light or power poles or any other obstructions be erected upon, or in, any portion of a Township road, except under such conditions, restrictions and regulations relating to the installation, maintenance and restoration thereof as may be prescribed in permits granted by the Township for such purpose.						
	b) Inspection I loop completion of the work the applicant shall give						

b) <u>Inspection</u>. Upon completion of the work, the applicant shall give written notice thereof to the Township. Upon completion of the work authorized by the permit, the Township shall inspect the work and, when necessary, enforce compliance with the conditions, restrictions and regulations prescribed by the permit. Where any settlement or defect in the work occurs, if the applicant shall fail to rectify any such settlement or other defect, within sixty (60) days after written notice from the Township to do so, the Township may do the work and shall impose upon the applicant the cost thereof, together with an additional twenty percent (20%) of such cost.

- c) <u>Traffic Maintenance and Protection</u>. Maintenance and protection of traffic on Township streets and State highways will be in accordance with PennDOT Form 408, Section 900; and Title 67, Chapter 203. The Contractor will modify the sign locations daily during construction in order to protect that section of highway to be disturbed during that same day. Projects that will be more than one (1) day in length, the Contractor/Developer shall maintain warning signs and flashers along the entire project for the duration of the project
- d) <u>Backfill and Compaction for Trenches Within a Street Right-of-Way</u>. From one foot (1') above the top of the pipe to restoration depth, the trench will be backfilled by hand or by approved mechanical methods. Backfill in this section of the trench will be PennDOT No. 2A material, subject to limitations specified and compacted by tamping in six inch (6") layers or by other approved mechanical methods, unless otherwise specified (see Appendix 12). Any compaction method utilizing water, such as jetting or puddling, will not be permitted. Compaction will proceed from the center of the trench to the sides to prevent arching. When working within a State highway, backfilling and compaction shall be performed in accordance with PennDOT rules and regulations.

All trenches that have been excavated and backfilled to a temporary condition, according to PennDOT or Township specifications, will lay for a minimum of ninety (90) days, unless approval has been granted by the Township or PennDOT, before a final restoration is performed.

For a temporary restoration, all trenches shall be excavated to a depth of seven inches (7") and compacted. At this time, the Contractor/Developer shall install or have installed, seven inches (7") of compacted BCBC. All trenches will be maintained during this period by the Contractor/Developer to prevent an unsafe condition from occurring for the motoring public.

e) <u>Final Pavement Restoration</u>. Final pavement restoration of State and Township roads will be in accordance with PennDOT specifications, using the Township/Authority Standard Details (see Appendix 12), unless otherwise directed by the State or the Township.

Final restoration of any single trench shall be made using the one foot (1") cut-back method. The trench shall be cut back one foot (1') on both sides of the existing trench, using an asphalt cutting device such as a street saw. The area between the two (2) saw cuts shall be milled to a depth of two inches (2'). At this time, the ID-2 wearing course can be installed and compacted to a depth of two inches (2"). The edges of the final restoration shall then be sealed with PG 64-22.

When two (2) or more transverse openings have been made within one hundred (100) linear feet of pavement, the Con-

tractor/ Developer will be required to overlay the traffic lanes in which the openings were made, for the entire length of the roadway between the openings. All PennDOT and Township restoration specifications will apply.

When an overlay approach crosses a travel lane, the 6:1 skew method will be used in the restoration work. The existing road-way will be milled to a depth of two inches (2") inside the full width of the 6:1 restoration area. The overlay will consist of an ID-2 wearing course compacted to a minimum depth of two inches (2") using all PennDOT specification guidelines.

All paving will be installed using PennDOT weather-related guidelines for installation.

All the edges of any permanent paving restoration will be sealed with PG 64-22 material, including all curb lines. All applications of PG 64-22 will overlap paving surfaces by a minimum of four inches (4") on both sides of a paving joint.

(Note: The above Section 602.11 – Street Improvement was revised on April 19, 2001, by Ordinance No. 2-2001.)

602.11.7 <u>Street Lights</u>. Street lights shall be required by the Board of Supervisors to provide safe traffic and/or pedestrian circulation at intersections, sharp curves and isolated areas. Street lighting plans shall be subject to approval by the appropriate utility company and the Township.

(Note: The above Section 602.11.7 was added on April 19, 2001, by Ordinance No. 2-2001.)

- 602.12 <u>Street Intersections</u>.
- 602.12.1 All streets intersecting a State Route shall be subject to the approval of the Township and the Pennsylvania Department of Transportation.
- 602.12.2 Multiple intersections involving the junction of more than two streets are prohibited. Only three- and four-way intersections are permitted.

(Note: The above Section 602.12.2 was revised on April 19, 2001, by Ordinance No. 2-2001.)

- 602.12.3 Two (2) streets intersecting on opposite sides of a through-street shall intersect at their centerlines. Where aligning intersections is impractical, the following offsets shall apply:
 - a) The distance between the centerlines of street intersections along local streets shall be one hundred fifty (150) feet between centerlines, as measured along the centerline of the local street being intersected.
 - b) The distance between the centerlines of street intersections along collector streets shall be three hundred (300) feet between centerlines, as measured along the centerline of the collector street being intersected.
 - c) The distance between the centerlines of street intersections along arterial streets shall be one thousand (1,000) feet between

centerlines, as measured along the centerline of the arterial street being intersected.

(Note: The above Section 602.12.2 was revised on April 19, 2001, by Ordinance No. 2-2001.)

- 602.12.4 Right angle intersections shall be used whenever possible. No street shall intersect another at an angle of less than seventy-five (75) degrees or more than one hundred five (105) degrees.
- 602.12.5 The cartway edge at street intersections shall be rounded by a tangential arc consistent with the Pennsylvania Code, Title 67, Transportation, Chapter 441, Access To and Occupancy Of Highways by Driveways and Local Roads.

The right-of-way radii at intersections shall be substantially concentric with the cartway edge.

(Note: The above Section 602.12.5 was revised on April 19, 2001, by Ordinance No. 2-2001.)

602.12.6 There shall be provided and maintained at all intersections a clear sight triangle with a line of sight between points which are established along the centerline of the intersecting streets. The minimum clear sight triangles are as follows:

Types of Street	Clear Sight Triangle Side			
Arterial*	150 feet			
Non-Arterial	100 feet			

*as defined in Section 602.04.

Clear sight triangles shall be indicated on all plans. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas. Obstructions, grading and/or plantings less than three (3) feet above the street grade, or greater than ten (10) feet above the street grade, are permitted in the clear sight triangle. Obstructions include business signs, utility junction boxes, etc. This requirement shall not apply to traffic signals, traffic signs, street name signs, public utility poles, and similar type structures.

(Note: The above Section 602.12.6 was revised on April 19, 2001, by Ordinance No. 2-2001.)

- 602.12.7 [Future Use]
- 602.12.8 Handicapped accessible ramps shall be provided at each proposed intersection, at the principal entrance to buildings which front on parking lots, and at all crosswalks. All ramps are to be in accordance with the Americans With Disabilities Act.

(Note: The above Section 602.12.8 was added on April 19, 2001, by Ordinance No. 2-2001.)

602.13 <u>Sight Distance</u>. All intersections shall be designed to provide adequate sight distance with regard to both horizontal and vertical alignment. The sight distance shall be measured at the centerline of the cartway to an object four and one quarter (4¹/₄) feet above the pavement, from a height of three and one half (3¹/₂) feet and ten (10) feet from the edge of paving at the

85th Percentile				MIN	ιмι	JM S	SAFI	E SI	GHT	ST	OPP	ING	DIS	TAT	NCE	FO	RML	JLA			
Speed (MPH)	Roadway Grade (Percent)																				
	0	1	-1	2	-2	3	-3	4	-4	5	-5	6	-6	7	-7	8	-8	9	-9	10	-10
5	22	22	22	21	22	21	22	21	22	21	22	21	22	21	22	21	23	21	23	21	23
10	48	48	49	48	49	47	50	47	50	47	51	47	51	46	52	46	52	46	53	46	54
15	81	80	81	79	82	78	83	78	84	77	86	76	87	76	88	75	90	75	91	74	93
20	118	117	120	116	122	114	123	113	125	112	127	111	130	110	132	109	135	108	137	107	141
25	162	160	164	157	167	156	170	154	173	152	176	150	179	149	183	147	187	146	192	144	197
30	211	208	214	204	218	202	222	199	226	196	231	194	236	192	241	190	247	188	254	186	261
35	265	261	270	257	275	253	280	249	286	246	292	243	299	239	307	237	315	234	324	231	333
40	325	320	331	314	338	309	345	304	353	300	361	296	370	292	379	288	390	284	401	281	414
45	391	384	399	377	407	370	416	364	425	359	436	353	447	348	459	344	473	339	487	335	503
50	462	453	472	445	482	437	493	429	505	422	518	416	531	409	547	404	563	398	581	393	601
55	539	528	550	518	563	508	576	499	590	491	606	483	623	475	641	468	661	461	683	455	707
60	621	608	635	596	650	585	665	574	683	564	701	554	721	545	743	537	766	529	792	521	821
65	709	694	725	679	742	666	761	654	781	642	803	631	826	620	852	610	880	600	910	591	944

intersection. The following are minimum sight distances:

Sight distance for roads with grades greater than thirteen percent (13%) shall be calculated in accordance to the following:

30(f±g)

SSSD = Minimum safe stopping sight distance (feet).

- V = Velocity of vehicle (miles per hour).
- t = Perception time of motorist (average = 2.5 seconds).
- f = Wet friction of pavement (average = 0.30).
- g = Percent grade of roadway divided by 100.

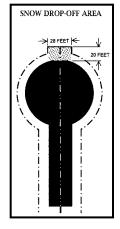
Source: Pennsylvania Code, Title 67, Transportation, Chapter 201.

(Note: The above Section 602.13 – Sight Distance was revised on April 19, 2001, by Ordinance No. 2-2001.)

602.14 <u>Cul-de-Sac Streets</u>. A cul-de-sac will not be approved when a through street is more advantageous. Permanent cul-de-sac streets shall be a minimum centerline distance of two hundred and fifty (250) feet and not exceed a centerline distance of six hundred (600) feet in length, measured from the edge of curb or edge of road of the through street to the centerline of the culde-sac turnaround. Temporary cul-de-sac streets shall not exceed eight hundred (800) feet in length, measured from the centerline intersection with a street which is not a cul-de-sac to the center of the cul-de-sac turnaround. Any street which is terminated for access to an adjoining property or because of authorized stage development shall be provided with a temporary, allweather turnaround. The use of such turnaround shall be guaranteed until such time as the street is extended. All cul-de-sac streets, whether permanently or temporarily designed, shall be provided at the closed end with a fully paved turnaround to the specifications stated in Section 602.10 of this Ordi-

nance.

A snow drop-off area shall be provided at the terminus of the turnaround area. The snow drop-off area shall be twenty-eight (28) feet wide and twenty (20) feet deep from the street curb line. The snow drop-off area shall be centered on the centerline of the street as the street approaches the turnaround area. The snow drop-off area shall be free of utility terminal boxes, mailboxes, and other facilities that may hamper snow storage or may require accessibility during snow periods. A vehicular parking prohibition must be acknowledged on the plan and properly signed along the cartway, in front of the snow drop-off area.

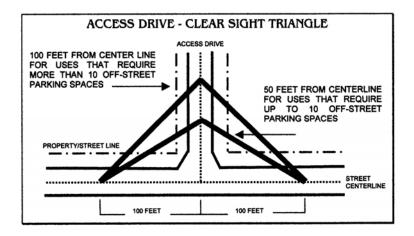


(Note: The above Section 602.14 – Cul-de-Sac Streets was revised on April 19, 2001, by Ordinance No. 2-2001.)

- 602.15 <u>Future Access Strips</u>. Future Access Strips are rights-of-way reserved for future street improvements. When in the opinion of the Board of Supervisors access to adjacent land is desirable, Future Access Strips shall be provided and designed in conformance with the requirements for a street.
- 602.16 <u>Alley</u>. Alleys are prohibited unless the developer demonstrates a need. Alleys shall conform to the following standards:
- 602.16.1 Alleys may not be offered for dedication to the Township. Applications for alleys shall be accompanied by a right-of-way agreement, which shall be submitted for review by the Township and recorded in the office of the Lancaster County Recorder of Deeds on the same day as the recording of the final plan.
- 602.16.2 No part of any dwelling, garage, or other structure shall be located within sixteen (16) feet of the cartway of an alley.
- 602.16.3 Alleys shall be designed in accordance with the street standards in Sections 602.01, 602.05, 602.06, 602.07, 602.08, 602.09, 602.11, 602.12, 602.13, and 602.15.
- 602.16.4 An alley may not terminate as a cul-de-sac.
- 602.16.5 A minimum right-of-way width of forty (40) feet and a minimum cartway width of twenty-four (24) feet shall be provided for alleys.
- 602.16.6 On-street parking is prohibited along alleys and this prohibition must be acknowledged both on the Plan and on the site.
- 602.17 <u>Driveways</u>. Driveways shall only be used to provide vehicular access between a parking area for a single residential unit of occupancy and a street, alley, or access drive. Driveways shall conform to the standards specified in the Upper Leacock Township Zoning Ordinance and the following standards:
- 602.17.1 Driveways which intersect an arterial street, or a street with a speed limit in excess of thirty (30) miles per hour, shall provide adequate turnaround within the lot so egress to the street is in a forward direction;

602.17.2	Driveway access shall be provided to the street of lesser classification when there is more than one street classification involved; and,
602.17.3	All driveways shall be paved between the edge of the intersected cart- way and the right-of-way.
602.18	<u>Access Drives</u> . Access drives are an improved cartway designed and con- structed to provide for vehicular movement between a public road and the off-street parking and/or loading for any use other than one single-family dwelling unit or farm. Any property which utilizes an access drive shall have frontage along a public or private street. A note shall be included on the plan indicating that the access drive will not be dedicated to the Township and that the owner of the property will own and maintain the access drive. Access drives shall conform with the Upper Leacock Township Zoning Ordinance and the following standards:
602.18.1	<u>Number Per Lot</u> . The number of access drives intersecting with a street may not exceed two (2) per lot frontage. A waiver may be granted for additional access points where required to meet exceptional circumstances and where frontage of unusual length exists;
602.18.2	Setbacks. All access drives shall be set back at least:
	a) one hundred (100) feet from the intersection of any street right- of-way lines; and,
	b) fifteen (15) feet from any side and/or rear property lines; how- ever, a setback along a property line is not required when a joint parking lot is shared by adjoining uses.
602.18.3	<u>Clear-Sight Triangle</u> . Access drives shall be located and constructed so that no permanent obstructions (signs, utility junction boxes, etc.) and/or plant materials over three (3) feet high shall be placed within a clear-sight triangle. This requirement does not apply to intersections of an access drive with an access drive. Traffic signals, traffic signs, street name signs, public utility poles, and similar-type structures are allowed within a clear sight triangle. The following is the area defined within the site triangle:
	 Access for Ten (10) or Less Off-Street Parking Spaces – fifty (50) feet as measured along the street centerline and along the driveway centerline is maintained for uses requiring up to, and including, ten (10) off-street parking spaces; and,
	 Access for More Than Ten (10) Off-Street Parking Spaces – one hundred (100) feet as measured along the street centerline and along the driveway centerline is maintained for uses requiring

more than ten (10) off-street parking spaces.



- 602.18.4 The vertical and horizontal alignments of access drives shall conform to the specifications for minor streets as stated in Sections 602.08 and 602.09.
- 602.18.5 Access drive intersections shall conform to the specifications for minor streets as stated in Sections 602.12.2, 602.12.4, 602.12.5, and 602.13.
- 602.18.6 Access drives located on the same side of the intersecting street shall maintain a separation distance of seventy-five (75) feet measured from centerline to centerline along local streets and one hundred (100) feet measured along centerline to centerline along collector or arterial streets. Access drive intersections with other access drives within the site shall not be subject to such restrictions.
- 602.18.7 Wherever practical, joint access drives shall be utilized for adjoining users to eliminate numerous access drive intersections.
- 602.18.8 Access drives shall be designed to provide convenient and safe access to the property. Access drives which form a cul-de-sac shall not exceed one thousand (1,000) feet in length, measured from the centerline intersection of a street or access drive which is not a cul-de-sac. Access drive cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turn-around with a minimum diameter of one hundred (100) feet.
- 602.18.9 When vehicular parking is prohibited along access drives, the prohibition must be acknowledged on the Plan and properly signed along the cartway.
- 602.18.10 The access drive cartway that is located within Township street rightof-way shall be constructed to street standards. All other portions of the access drive shall be constructed with a minimum 6" crushed aggregate base course, 1½" ID2A binder course (Superpave or Gyratory Binder Course), and 1½" ID2 wearing course (Superpave or Gyratory Wearing Course). All materials and work procedures shall conform to the latest edition of the Pennsylvania Department of Transportation Manual 408.

602.18.11 <u>Access Drive Width</u>. The following table specifies various access drive width requirements:

Function	Required Cartway Width
Two lanes of traffic without parallel parking*	24 feet
One lane of traffic without parallel parking**	12 feet

*Off-street parking lots must be provided in accordance with Section 603 of this Ordinance and the prohibition of on-street parking must be identified along the cartway. **The one-way direction of traffic must be identified along the cartway.

Access drive intersections with State-owned roads shall be designed according to PennDOT requirements.

602.18.12 <u>PennDOT Permit</u>. Any access drive intersection with a State-owned road shall require the obtainment of a PennDOT Highway Occupancy Permit.

(Note: The above Section 602.18 - Access Drives was revised on April 19, 2001, by Ordinance No. 2-2001.)

Section 603 Vehicular Parking Facilities

603.01 All vehicular parking facilities shall conform to the Upper Leacock Township Zoning Ordinance.

Section 604 Sidewalks and Curbs

604.01

Sidewalks shall be provided in all developments which meet any of the following circumstances:

- a) In the R-1, R-2, and MU Zoning Districts;
- b) In all developments with frontage along Main Street (PA Route 23);
- c) In all developments within Urban Growth Boundaries.
- d) To continue existing sidewalk systems to the terminus of a service area or block.
- e) To provide access to vehicular parking compounds, school bus zones, or recreational facilities.
- f) To provide access to and/or within commercial, industrial, or community facilities.

(Note: The above Section 604.01 was revised on June 5, 2014, by Ordinance No. 2014-3.)

604.01.1		s) of the street up	or access drives shall be oon which lots front and
	<u></u>		<i></i>

604.01.2 Sidewalks which are provided off-street or off-access drives shall be located along anticipated pedestrian traffic routes.

604.01.3 Sidewalks within and adjacent to street rights-of-way shall be constructed and installed in accordance with Section 604 and the Concrete Sidewalk Detail in Appendix 13 of this Ordinance.

(Note: The above Section 604.01.3 was revised on July 21, 2016, by Ordinance No. 2016-6.)

604.01.4 Sidewalks located outside of the public right-of-way, (e.g., adjacent to driveways, access drives, and parking compounds) may be constructed of materials desired by the developer, but will be subject to approval by the Township.

(Note: The above Section 604.01.4 was revised on June 5, 2014, by Ordinance No. 2014-3.)

604.01.5 Sidewalks shall be located, is possible, within the street right-of-way.

(Note: The above Section 604.01.5 was revised on June 5, 2014, by Ordinance No. 2014-3.)

- 604.01.6 Maintenance and repair cost for sidewalks is the sole responsibility of the landowner.
- 604.01.7 Pedestrian easements, shall be provided in accordance with §607.03 whenever the sidewalk is not located entirely within the street right-of-way.

(Note: The above Section 604.01.7 was revised on June 5, 2014, by Ordinance No. 2014-3.)

604.01.8 Sidewalks shall be designed barrier free in accordance with applicable federal and state standards, including but not limited to, the Americans with Disabilities Act, as amended.

(Note: The above Section 604.01.8 was revised on June 5, 2014, by Ordinance No. 2014-3.)

604.01.9 A minimum two (2') foot wide grass planting strip shall be provided between the back of the curb and sidewalk. The grass planting strip may be reduced in width or eliminated only due to physical constraints or conflicts on the site. Reduction in width or elimination of the grass planting strip will be at the discretion of the Township. The developer may propose to substitute an alternative hardscape material, subject to approval by the Township, where the strip is less than two (2') foot wide

(Note: The above Section 604.01.9 was added on June 5, 2014, by Ordinance No. 2014-3.)

604.01.10 Curb ramps, constructed in accordance with applicable federal and state standards, including but not limited to, the Americans with Disabilities Act, as amended, shall be provided wherever an accessible route crosses a curb

(Note: The above Section 604.01.10 was added on June 5, 2014, by Ordinance No. 2014-3.)

- 604.02 <u>Curbs</u>. Curbs shall be provided in accordance with the following specifications.
- 604.02.1 Curbs shall be provided wherever sidewalks are installed within five feet (5') of an Access Drive or Street.

(Note: The above Section 604.02.1 was amended on June 5, 2014, by Ordinance No. 2014-3.)

604.02.2	Depending on storm drainage conditions, curbs may be required in blocks where a street grade exceeds five percent (5%).
604.02.3	The Supervisors may require curbs where unusual or particular con- ditions prevail with respect to storm water runoff, prospective traffic and/ or safety of pedestrians.
604.02.4	Curbs shall be either vertical or slant type. Transitions in curb type shall be subject to approval by the Board of Supervisors.
604.02.5	Curbs shall be constructed and installed in accordance with PennDOT Publication 408, as amended.

(Note: The above Section 604.02.5 was amended on June 5, 2014, by Ordinance No. 2014-3.)

Section 605 Blocks and Lots

605.01	<u>General</u> . The configuration of blocks and lots shall be based upon the lot area requirements, traffic circulation, salient natural features, existing man-made features, and land use. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.							
605.02	<u>Residential Blocks</u> . All blocks in a residential subdivision shall have a maximum length along any side of sixteen hundred (1,600) feet. Where practical, the minimum length of any side shall be three hundred (300) feet.							
605.03	<u>Non-Residential Blocks</u> . Blocks in nonresidential areas shall be primarily concerned with traffic circulation.							
605.04	Lot Configuration.							
605.04.1	Whenever practical, side lot lines shall be radial or perpendicular to street lines.							
605.04.2	In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them. Where a lot is divided by a municipal boundary, the minimum standards of both municipalities shall apply.							
605.04.3	Lots with areas that are two or more times the minimum area require- ments shall, wherever feasible, be designed with configurations which allow for additional subdivision. The Township may require a sketch plan of such large lots that indicates the potential future subdivision is generally in conformance with the design standards.							
605.04.4	All lots shall front on a street.							
605.04.5	Double Frontage Lots are prohibited. A double frontage lot fronts upon two parallel streets or upon two streets which do not intersect and vehicular access is provided to both streets. The Board of Supervisors may permit Reverse Frontage Lots as provided in Section 605.04.06.							

605.04.6	Reverse Frontage Lots front upon two parallel streets, or upon streets which do not intersect, and vehicular access is provided to o one (1) of the streets. All residential Reverse Frontage Lots s designate one (1) frontage as the rear yard with a minimum dept seventy-five (75) feet and have a planted buffer easement of at le twenty (20) feet in width located immediately contiguous to the st right-of-way. Vehicular access shall be prohibited from the rea Reverse Frontage Lots.					
	for u	everse Frontage Lots shall include an identification of the frontage se as a road access. The street designated for frontage must be istent with all contiguous lots.				
605.04.7	minir	lots shall not be created when lots can be designed to satisfy the num width requirements. The Township may approve the platting imited number of flag lots when:				
	a)	The flag lots are being used for infill situations where there is no potential of new street construction to the proposed lot.				
	b)	The flag lot is the result of the division of agricultural land to create an additional building site on the least suitable portion of the property for continued agricultural use.				
	No m	nore than two contiguous flag lots shall be permitted.				
	width once "flag" mum	"flagpole" or access portion of the flag lot shall maintain a minimum of twenty-five (25) feet and shall not change direction more than . The area of the flagpole shall not be included with the area of the ' or the body of the lot in satisfying the zoning standards for mini- or maximum lot size.				
		ortion of any "flagpole" shall be used for on-site sewage disposal provements other than access improvements.				
	flag	Township may attach any reasonable conditions to the creation of lots as it finds necessary or desirable to provide for the orderly lopment of land and street systems.				
(Note: The above Section 60	05.04.7	was revised on April 19, 2001, by Ordinance No. 2-2001.)				
605.04.8		emnants of land (areas remaining after subdivision) shall conform e lot area and configuration requirements.				
605.04.9		ts shall be designed to provide sufficient building area based upon ing setbacks, easements, floodplains, etc.				
		nd/or Intensity. Lot areas shall conform with the prevailing Upper wit				

Section 606 Building Setback Lines and Building Separations

The building setback lines and building separations shall conform with the prevailing Upper Leacock Township Zoning Ordinance requirements.

Section 607 Easements

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

- 607.01 To the fullest extent possible, easements shall be adjacent to property lines.
- 607.02 Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement.
- 607.03 Pedestrian easements shall have a minimum width of ten (10) feet.
- 607.04 Sanitary sewer and water supply easements shall have a minimum width of twenty (20) feet. In the case of a shared utility easement, sufficient area shall be provided to allow a minimum of ten (10) feet between the centerline of the utility and the edge of the right-of-way.
- 607.05 Storm water easements shall have a minimum width of twenty (20) feet and shall be adequately designed to provide area for (a) the collection and discharge of water, (b) the maintenance, repair, and reconstruction of the drainage facilities, and (c) the passage of machinery for such work.
- 607.06 Where any electric or telephone transmission or petroleum product transmission line traverses a property, the applicant shall confer with the applicable transmission or distribution company to determine the minimum distance which shall be required between each structure and the centerline of such petroleum or petroleum product transmission line. All applications shall include a letter from the owner of the transmission line stating any conditions on the use of the tract and the right-of-way width, or a copy of the recorded agreement which shall contain the above data.

Section 608 Survey Monuments and Markers

608.01 Permanent stone or concrete monuments shall be accurately placed at the right-of-way lines along at least one side of each street and on the property lines of the parent tract. These monuments shall be placed at the intersection of all lines forming angles, changes in direction, and at the end of each curved line.

An intermediate monument shall be placed wherever topographical or other conditions make it impossible to sight between two otherwise required monuments.

608.02 Markers shall be set at all points where lot lines intersect curves and/or other property lines. When the property line falls within or along an existing street

right-of-way, then the right-of-way of the street shall be monumented as stated in Section 608.01.

(Note: The above Section 608.02 was revised on April 19, 2001, by Ordinance No. 2-2001.)

- 608.03 Monuments shall be of concrete or stone, with a flat top having a minimum width or diameter of four (4) inches and a minimum length of thirty (30) inches. Concrete monuments shall be marked with a three-quarter (3/4) inch copper or brass dowel; stone or pre-cast monuments shall be marked on the top with a proper inscription and a drill hole. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long and not less than three-quarters (3/4) of an inch in diameter.
- 608.04 All monuments and markers shall be placed by a registered land surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
- 608.05 All monuments and markers shall be set flush with the finished grade.
- 608.06 All existing monuments and lot line markers shall be delineated on the Preliminary Plan. All existing and proposed monuments and lot line markers shall be delineated on the Final Plan.

Section 609 Storm Water Management

All subdivision and land development plans shall conform with the Upper Leacock Township Storm Water Management Ordinance, Ordinance No. 86-9, as amended.

Section 610 Floodplain and Wetlands

All subdivision and land development plans shall conform with the Floodplain Overlay Zone within Section 510 of the Upper Leacock Township Zoning Ordinance and the Official Upper Leacock Township Floodplain Management Ordinance.

All subdivision and land development plans shall identify the location of wetlands as determined by the Pennsylvania Department of Environmental Resources (Bureau of Dams and Waterway Safety) and the U. S. Army Corps of Engineers. Any proposed encroachment into the wetlands shall include a copy of the permit or approval from the applicable State and Federal agencies. No action by the Township shall be relied upon in lieu of a permit issued by the appropriate agency.

(Note: The above Section 610 was revised on March 17, 2016, by Ordinance No. 4-2016.)

Section 611 Landscaping

611.01

Protection of Natural Features - The finished topography of the site shall adequately facilitate the proposed development without excessive earth moving, tree clearance, and destruction of natural amenities. Natural features, such as lakes, streams, and wooded slopes shall be preserved and incorporated into the final landscaping of the development wherever possible and desirable. The applicant shall demonstrate the means whereby trees and other natural features shall be protected during construction. The location of such trees and other natural features must be considered when planning the location of buildings, underground services, walks, paved areas, and finished grade levels.

- 611.02 Existing Wooded Areas. Existing wooded areas shall be protected to prevent unnecessary destruction. Healthy trees with a caliper of six (6) inches or more as measured at a height of four and one-half (4½) feet above existing grade, shall not be removed unless they are located within fifteen (15) feet of any planned improvement. In areas where trees are retained, the original grade level shall be maintained if possible, so as not to disturb the trees.
- 611.03 <u>Street Trees</u>. Street trees shall be provided along the frontage of all new lots, except those lots located in the Agricultural Zoning District. When required, street trees shall conform with the following:
 - a) The trees shall be nursery grown in a climate similar to that of the locality of the project. Varieties of trees shall be subject to the approval of the Township.
 - b) All trees shall have a normal habit of growth and shall be sound, healthy, and vigorous; they shall be free from disease, insects, insect eggs, and larvae.
 - c) The trunk diameter, measured at a height of six (6) inches above finish grade, shall be a minimum of two (2) inches.
 - d) Trees shall be planted between the street right-of-way line and the building setback line, at a maximum spacing of one hundred (100) feet.
 - e) All planting shall be performed in conformance with good nursery and landscape practice.
 - f) Requirements for the measurements, branching, grading, quality, balling, and the burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1-1973, as amended.
- 611.04 <u>Ground Cover</u>. Ground cover shall be provided on all areas of the project to prevent soil erosion. All areas which are not covered by paving, stone, or other solid material shall be protected with a vegetative growth. Varieties of ground cover shall be subject to the approval of the Township.

Section 612 Steep Slope Conservation

The following steep slope conservation standards shall apply to all land within the Township which contains areas of fifteen percent (15%) or greater slope.

612.01 <u>Boundary Interpretation</u> - An initial determination as to whether the steep slope conservation standards apply to a subdivision or land development plan shall be based upon the presence of fifteen percent (15%) or greater slope, as documented in one of the following:

- The Lancaster County Soil Survey, the U. S. Soil Conservation Service; or,
- b) A topographic survey prepared by a land surveyor registered in the Commonwealth of Pennsylvania. Contour plotted from the United States Geodetic Survey will not be accepted.

Should a dispute arise concerning the boundaries of any steep slope conservation area, a topographic survey with minimum vertical intervals of five (5) feet shall be submitted. Boundary interpretation shall be made by the Township Board of Supervisors and based upon the topographic survey.

612.02 <u>Design Requirements</u>. The following requirements are based upon the average slope of a lot. The average slope of a lot shall be determined according to the following formula and identified for each lot on the plan.

$$\frac{.0023 \text{ x I x L}}{\text{A}} = \text{S}$$

- I = contour interval
- L = combined length of contour lines in feet

A = lot area in acres

S = average slope in percent

Average Slope of Lot	Minimum Percent of Undisturbed ¹ Area	Maximum Impervious Surface
15% — 20%	40%	10%
20.1% — 25%	65%	10%
25.1% - 30%	85%	10%
Over 30%	90%	10%

¹Undisturbed area shall be defined as land in its natural state before development.

- 612.03 <u>Construction Prohibition</u>. All structures, buildings, parking compounds, streets, and other substantial improvements, with the exception of utilities, are prohibited in areas with a pre-development slope of twenty-five percent (25%) or greater.
- 612.04 <u>Setback</u>. No change in existing topography, which results in a slope greater than the pre-development condition, may be located within twenty-five (25) feet of the neighboring property.
- 612.05 <u>Design Information</u>. A detailed description of the methods that are being used for construction in areas containing slopes of fifteen percent (15%) or greater to attain the following:
 - a) Protection and stabilization of areas that have a high potential for soil erosion.
 - b) Accommodate storm water runoff.

- c) Assure structural safety and minimize harm to the environment associated with development on steep slopes.
- d) Protection and preservation of on-site and off-site valuable natural wildlife and/or plant habitats.
- e) Protection and preservation of on-site and off-site water quality.
- f) Protection of steep slopes on adjoining properties.
- 612.06 A soils engineering report prepared by a professional with extensive expertise in soil, geology, and construction shall be submitted for all construction and/or modifications to the existing topography and/or vegetative cover in areas of fifteen percent (15%) or greater. The soils engineering report shall include (a) the nature, types, distribution, and stability of the surface and subsurface soils for load bearing, stability, and compaction; (b) extent, description, and location of exposed rock and bedrock; (c) erodability of surface soil; and (d) depth to seasonal high water table.

Section 613 Sanitary Sewage Disposal

- 613.01 When, in accordance with the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended, a Sewer Facilities Plan Revision (Plan Revision Module for Land Development), or Supplement, is required, approval from the Pennsylvania Department of Environmental Resources shall be submitted as a condition of Final Plan approval.
- 613.02 The applicant shall provide the type of sanitary sewage disposal facility consistent with the Upper Leacock Township Act 537 Sewage Facilities Plan.
- 613.03 Public sanitary sewer systems shall be designed in accordance with the prevailing rules and regulations of the Leola Sewer Authority.
- 613.04 Where on-site sanitary sewage disposal facilities are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary subsurface sewage disposal system and a replacement system at a safe distance from building and water supply in accordance with Title 25, Chapter 73, Rules and Regulations of the Pennsylvania Department of Environmental Resources, as amended, and the Pennsylvania Sewage Facilities Act, Act 537 of 1966, as amended.

Section 614 Water Supply

- 614.01 Whenever feasible, a development shall connect to an existing public water supply system.
- 614.02 Public water supply systems shall be designed in accordance with the prevailing rules and regulations of the Upper Leacock Township Water Department.
- 614.03 Wherever the water supply system contains sufficient capability or will in the foreseeable future, with or without developer assistance, fire hydrants shall be

614.04	Assoc shall curb. the st Wher dispo If suc ment	ded. Fire hydrants shall meet the specifications of the Middle Department ciation of Fire Underwriters, and the local fire company. Fire hydrants be located at street intersections no more than ten (10) feet from the All fittings shall be National Standard threads. The large fitting shall face treet and be a minimum of sixteen (16) inches above the ground level. The a public system is not accessible, particularly where on-site sanitary as systems are to be used, a community water supply may be required. The a system is provided, it shall be approved by the Pennsylvania Depart- of Environmental Resources, and appropriate measures shall be pro- to ensure adequate maintenance.
614.05	serve	re individual on-site water supply system is to be utilized, each lot so ad shall be of a size and shape to allow safe location of such a system, in rdance with all applicable standards.
614.06	suppl	ter is to be provided by means other than by an individual on-site water by system (wells that are owned and maintained by the individual lot ers), the Final Plan application shall include:
	a)	Evidence that the supplier is a certificated public utility; a bona fide co- operative association of lot owners; or a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be accept- able evidence.
	b)	Notice of approval of the design installation, and possible financial

b) Notice of approval of the design, installation, and possible financial guarantee from the provider of the water service.

Section 615 Emergency Response

The developer of a land development plan for nonresidential or multi-family residential dwellings shall submit design plans to the applicable emergency response organizations (i.e., fire department or company, police department, ambulance) that has jurisdiction within the subject area.

Each emergency response organization shall report to the Township on their ability to effectively provide service to the development. These concerns may include, but are not limited to, adequate response time, proper internal emergency access, availability of on-site facilities, and suggested mitigation for any concerns.

If a response is not made by any notified emergency response organization within forty-five (45) days from the date of such submission, it shall be assumed that the emergency response organization has no comments or opinions pertaining to the proposed development.

If required by the Township Board of Supervisors, the developer of a land development shall be required to modify the design of the land development to accommodate the recommendations of the emergency response organizations in order to provide safe access to the development.

If required by the Township Board of Supervisors, the developer of a land develop-

ment shall provide emergency signal preemption for any traffic signals located within or immediately adjacent to the development.

(Note: The above Section 615 – Emergency Response was added on April 19, 2001, by Ordinance No. 2-2001.)

Section 616 Park & Recreation Areas and Fees

616.01

General – Except as specifically exempted in Section 616.02.c) of this Ordinance, this section shall only apply to proposals that would result in the creation of new dwelling units. It is the purpose of this section to implement the language contained in Section 503(11) of the Pennsylvania Municipalities Planning Code and thereby provide needed recreation/open space to accommodate growth.

(Note: The above Section 616.01 was amended on September 4, 2008. by Ordinance No. 2008-04..)

- 616.02 **Mandatory Dedication** Where a proposed park, or open space is identified within the Conestoga Valley Region Comprehensive Plan and/or the Upper Leacock Township Open Space Plan, or where the Township considers that a local recreation site is necessary to carry out the purposes of this Ordinance, the Township may require the dedication of land for any proposal that would result in the creation of one or more new dwelling units in accordance with the following standards:
 - a) The land to be dedicated must be of suitable size, dimensions, topography, access and general character for the proposed use.
 - b) The amount of land so required for this purpose shall be not less than .058 acres for each proposed dwelling unit on the final plan.
 - c) For contiguous properties held in single and separate ownership within the Agricultural Zone on September 4, 2008 the creation of the first new dwelling unit or new residential lot shall be expressly exempted from this mandatory dedication requirement provided that either (1) the parent tract from which the new dwelling unit or new lot is created or (2) the new lot created, contains at least ten (10) acres and is used for agricultural or open space. For the purposes of this section, land held in single and separate ownership shall be considered to be contiguous regardless of whether:
 - such land is divided into one or more lots, parcels, purparts or tracts;
 - such land was acquired by the landowner at different times or by different deeds or other means; and,
 - such land is separated by public or private streets or rights-of-way.

Any subdivision or land development plan hereafter filed within the Agricultural Zone shall specify which lot carries the right to this mandatory dedication exemption as determined by the provisions of this Section 616.02. Any subsequent owner of any parcel of land legally existing on September 4, 2008 shall be bound by the actions of previous owners in that such current owner may only be exempted from the mandatory dedication requirements of Sections 616.02.a) and Sections 616.02.b) of this Ordinance once and only if the previous owner(s) had not already made use of this exemption. In the event land, which was not classified as part of the Agricultural Zone on September 4, 2008, is hereafter classified as part of the Agricultural Zone, the right to this mandatory dedication exemption under this Section 616.02.c) shall be granted as of the effective date of the change in the zoning classification.

(Note: The above Section 616.02 was amended on September 4, 2008. by Ordinance No. 2008-04..)

- 616.03 **Dedication Alternative** As an alternative to the requirement that land be dedicated for a recreation site, the Township may request the applicant to provide any of the following:
 - Construct and/or improve existing park and/or open space facilities;
 - b) Pay a fee in lieu of dedication for each proposed dwelling unit which fees shall be established by resolution of the Board of Supervisors and deposited into a parkland capital reserve fund as described later in Section 616.05 of this Ordinance. Such fees shall, at a minimum, be based upon the predevelopment fair market value of land that would have been otherwise required for dedication under Sections 616.02b) of this Ordinance. Fair market value shall be determined by a certified appraiser, and shall include any documentation used to derive the site's fair market value. Should the Township dispute the appraised fair market value, it can require mandatory dedication of needed acreage provided such acreage complies with Sections 616.02.a), 616.02.b) and 616.04. of this Ordinance.
 - c) As an alternative to the payment of fees-in-lieu of mandatory dedication, the Township may accept unencumbered donations to a general recreation fund to be used for parkland and/or open space acquisition, development and/or improvement which again shall be based upon the predevelopment fair market value of land that would have been otherwise required for dedication under Sections 616.02.b) of this Ordinance;
 - d) Guarantee the private reservation and maintenance of parkland and/or open space; or
 - e) Provide for any combination of the above.

(Note: The above Section 616.03 was amended on September 4, 2008. by Ordinance No. 2008-04..)

- 616.04 **Parkland and Open Space Design Standards** In general, parklands and/or open spaces provided for by this section that involve active recreational pursuits and/or public access shall comply with the following:
 - a) The site shall be located and designed so that safe and convenient access shall be provided to all existing and proposed inhabitants. Additionally, each site shall have at least one area available for vehicular access that is no less than twenty-four (24') feet in width;
 - b) The site shall be sized and configured so as to accommodate its intended uses. Sufficient lot width/depth dimension shall be provided so as to accommodate, where practicable, athletic fields, courts and other open play areas. Furthermore, should a development be proposed at a location contiguous to an existing park, dedicated parklands shall be provided, where practicable, as an extension of the existing facility;
 - c) Parks for active recreation shall have suitable topography and soil conditions for use and development as active play areas. No more than twenty-five (25%) percent of the site shall be comprised of floodplains, storm water management facilities and/or slopes exceeding three (3%) percent. Any unimproved area of this site shall be provided with a healthy and vibrant grass ground cover;
 - The site shall be located and designed to conveniently access proximate public utilities (e.g., sewer, water, power, etc.). However, no part of any overhead utility easement, nor any above-ground protrusion of an underground utility, shall be permitted in active play areas of the site;
 - e) No part of the site shall be calculated as part of any required setback, yard and/or open space for adjoining lots or uses, as regulated by the Zoning Ordinance; and
 - f) The site shall comply with any applicable design, orientation, size and location guidelines listed in the Conestoga Valley Region Comprehensive Plan and/or the Upper Leacock Township Open Space Plan. In special instances, the Township may waive any or all of the preceding design standards. In such instances, the applicant must demonstrate that the public will be better served by some alternate design that would accomplish at least one of the following objectives:
 - i. Protection of important natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas);
 - ii. Protection of important historical and/or archaeological sites; and,
 - iii. Integration of greenbelts throughout the development that link residences with on-site or adjoining parks, schools or other similar features.

616.05 **Parkland Capital Reserve Fund** - Funds collected as fees in lieu of dedication of open space or recreation areas shall be deposited in an interest-bearing account. This account shall be separate from other municipal accounts and shall be clearly identified for the purpose of funding acquisition and development of recreation facilities. Interest earned on all monies deposited in such accounts shall be expended at the discretion of the Board of Supervisors in properly allocable portions of the cost incurred to design, construct or acquire the specific recreation facilities that will benefit the subdivision or land development for which they were collected. Funds collected under this section shall be expended within three (3) years of receipt, or the Township shall refund such fee, plus interest accumulated thereon from the date of payment, to the developer upon presentation of a written request for refund.

(Note: The above Section 616 – Park & Recreation Areas and Fees was added on July 20, 2006, by Ordinance No. 2006-3.)

616.06 **Failure to Comply** - Should an applicant fail to dedicate sufficient parkland that complies with Sections 616.02.a), 616.02.b) and 616.04. of this Ordinance and/or provide for the required dedication alternatives as listed in Sections 616.03. of this Ordinance, the Township may deny the subdivision or land development plan.

(Note: The above Section 616.03 was added on September 4, 2008. by Ordinance No. 2008-04.)

Mobile Home Parks

Section 701 General

Mobile home park plans shall be processed in accordance with Article III. Mobile home park plans shall comply with the design standards set forth in the Upper Leacock Township Zoning Ordinance and the following standards.

Section 702 Streets, Access Drives and Driveways

In addition to the below standards, streets, access drives, and driveways shall conform with Section 602 of this Ordinance.

- 702.01 The cartway edge at intersections shall be rounded by a tangential arc with a minimum radii of fifty-five (55) feet.
- 702.02 Driveways to all mobile homes must access onto the interior street system of the mobile home park. Direct driveway access to an existing adjoining public street is prohibited.

Section 703 Sanitary Sewage Disposal

- 703.01 All sanitary sewage disposal systems shall conform with Section 613 of this Ordinance.
- All mobile home units and service buildings shall be connected to an approved sewerage system. Individual riser pipes having a minimum inside diameter of four (4) inches shall be located on each mobile home stand and shall extend at least one (1) inch above ground level. The sewer riser pipe shall be sealed with a securely fastened plug or cap when the mobile home lot is unoccupied.

Section 704 Water Supply

- 704.01 All mobile home parks shall be serviced by a community or public water supply system. Additionally, all water supply systems shall conform with Section 614 of this Ordinance.
- All mobile home units and service buildings shall be connected to the water supply system. Individual water riser pipes having an inside diameter of not

less than three-fourths (3/4) inches shall be provided for each mobile home stand and shall terminate no less than four (4) inches above the ground.

704.03 Adequate provisions shall be made to protect water service lines from damage, including a shut-off valve, below the frost line for each mobile home stand.

Section 705 Storm Water Management, Floodplain and Wetlands Controls

All mobile home parks shall conform to the Upper Leacock Township Storm Water Management Ordinance, Ordinance No. 86-9, as amended; the Floodplain Overlay Zone within Section 510 of the Official Upper Leacock Township Zoning Ordinance, and the Official Upper Leacock Township Floodplain Management Ordinance; and the wetlands standards in Section 610 of this Ordinance.

(Note: The above Section 705 was revised on March 17, 2016, by Ordinance No. 4-2016.)

Section 706 Refuse Disposal

The storage, collection, and disposal of refuse in the mobile home park shall be so designed and managed as to create no health hazards, rodent harborage, insectbreeding areas, accident, fire, or air pollution. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers.

Community refuse disposal sites shall be provided at locations which are not more than one hundred (100) feet from any mobile home space, and no less than fifty (50) feet from the mobile home park boundary. Containers shall be provided in sufficient number and capacity to properly store all refuse. Community refuse disposal sites shall be screened or fenced.

Racks or holders shall be provided for all refuse containers. Such containers shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning around them.

All refuse shall be collected at least once weekly and comply with current recycling requirements. Where suitable collection service is not available, the mobile home park operator shall provide this service. All refuse shall be collected and transported in enclosed vehicles or containers.

Section 707 Exterior Lighting

Streets, access drives, driveways, and walkways shall be lighted at night with an average illumination of at least 0.2 foot candles. Lighting fixtures shall be so spaced and so equipped as to provide adequate levels of illumination throughout the mobile home park for the safe movement of vehicles and pedestrians. Lighting fixtures shall be shielded to avoid glare on adjacent properties and streets.

Section 708 Landscaping

A fifty (50) foot wide landscape strip shall be located along the perimeter of the mobile home park. This area shall include a variety of vegetative materials, including trees, shrubs, evergreens, and ground cover. For each fifteen hundred (1,500) square feet of required area for landscape strips, one deciduous tree and one evergreen tree shall be provided. Deciduous trees shall have a clear trunk at least five (5) feet above finished grade. Evergreen trees shall have a minimum height of six (6) feet. All landscape strips shall have landscaping materials distributed along the entire length of the area.

Requirements for the measurements, branching, grading, quality, balling, and the burlapping of trees shall follow the code of standards recommended by the American Association of Nurserymen, Inc., in the American Standard for Nursery Stock, ANSIZ60, 1-1973, as amended.

708.02 Any portion of the site not used for buildings, structures, parking, sidewalks, streets and similar improvements shall be maintained with a vegetative ground cover and other ornamental plantings.

Section 709 Steep Slope Conservation

All mobile home parks shall conform to the steep slope conservation standards in Section 612 of this Ordinance.

Section 710 Service and Accessory Buildings

- 710.01 All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas shall be adequately constructed, ventilated, and maintained so as to prevent decay, corrosion, termites, and other destructive elements from causing deterioration.
- 710.02 Every mobile home park shall have a structure designed for and clearly identified as the office of the mobile home park manager.
- 710.03 Occupants of each mobile home lot shall be provided with at least one hundred fifty (150) cubic feet of enclosed storage space which is exclusive of the floor area devoted to living space. Storage facilities shall not intrude into any required yard or setback area and shall substantially conform in style, quality, and color to the adjacent mobile home. The type of storage facility shall be approved by the Board of Supervisors.
- 710.04 Service and accessory buildings shall be used only by the occupants of the mobile home park.

Section 711 Fire Protection

- 711.01 The mobile home park area shall be kept free of litter, rubbish, and other flammable materials.
- 711.02 Portable hand-operated fire extinguishers of a type suitable for use on oil and electrical fires, and approved by the appropriate fire company, shall be kept in each community building under park control, and shall be required by the mobile home park operator to be placed in each mobile home in a fixed location, preferably near a door, but not in close proximity to cooking facilities.
- 711.03 Mobile home parks shall be provided with fire hydrants or acceptable alternatives for fire protection as approved by the local fire company and Township Engineer. Where fire hydrants are provided, they shall meet the specifications of Section 614.03 of this Ordinance.
- All mobile home parks shall be operated so as to comply with all State and local laws, ordinances, and regulations pertaining to fire prevention.
- 711.05 The mobile home park manager shall consult periodically with the appropriate fire company or authorities as to proper fire prevention practice, accessibility of streets, testing of fire hydrant pressure, location and operation of equipment, community education programs, etc.

Section 712 Electrical Distribution

The mobile home park shall contain an electrical wiring system which shall be installed and maintained in accordance with PP&L Company's specifications and the National Electrical Code.

Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and mobile home, service building, or other structure.

All buried conductors or cables shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located no less than one (1) foot radial distance from water, sanitary/storm sewer, gas, or communication lines.

Each mobile home shall be provided with an approved disconnecting service and weatherproof overcurrent protective equipment. Individual mobile home spaces shall be provided with a polarized-type receptacle with a ground conductor. All exposed non-current-carrying metal parts of mobile homes, other structures, and equipment shall be grounded by means of an approved grounding conductor. The neutral conductor shall not be used as an equipment ground for mobile homes, other structures, and equipment.

Temporary electrical connections are prohibited.

Section 713 Maintenance

The landowner of a mobile home park shall be responsible for the proper repair and maintenance of all facilities, including, but not limited to, roads, parking areas, sidewalks or pathways, improved and unimproved areas, water supply, sewage disposal, skirting, storage buildings, and community buildings.

Section 714 Easements

Easements located within a mobile home park shall conform with the standards of Section 607 of this Ordinance.

Section 715 Survey Monument and Markers

All mobile home park plans shall conform with the standards of Section 608 of this Ordinance.

This Ordinance shall be known and may be cited as the "Upper Leacock Township Subdivision and Land Development Ordinance of 1992."

Administration

Section 801 General

This section outlines the procedures for enforcement and amendment of this Ordinance, as well as procedures for challenges and appeals of decisions rendered under this Ordinance.

Section 802 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a Subdivision and Land Development Ordinance in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, and as subsequently amended.

In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date of the public hearing on such proposed amendment.

Section 803 Waivers

The provisions of this Ordinance are intended as minimum standards for the protection of the public health, safety and welfare. The Board of Supervisors may modify said provisions to the benefit of the applicant, provided the majority of the members of the Board of Supervisors present at a scheduled public meeting determines that the waiver:

- a) Is consistent with the purpose of the Ordinance as described in Section 102.
- b) Will remove or reduce an unreasonable or undue hardship, as it applies to the particular property, which is grossly disproportionate to any benefit derived from the standard.
- c) Will result in an for equal or better situation.
- d) Provides reasonable utilization of the property while securing the public interest.

All waivers shall be processed in accordance with the Waiver provision described in Section 305. It shall be the burden of the applicant to demonstrate compliance with the above conditions.

In granting waivers, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the Ordinance.

Section 804 Challenges and Appeals

The decision of the Board of Supervisors may be appealed, as provided for in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act 170 of 1988, and as subsequently amended.

Section 805 Penalties for Violations

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 transferor from such penalties or from the remedies herein provided.

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

- a) The owner of record at the time of such violation.
- b) 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.
- c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

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

805.01 <u>Jurisdiction</u>. District justices shall have initial jurisdiction in proceedings brought under this Ordinance.

805.02 Enforcement Remedies. Any person, partnership or corporation who or which has violated the provisions of this ordinance, upon being found liable therefor in a civil enforcement proceeding commenced by a 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 be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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.

805.03 <u>Project Initiation</u>. No person shall proceed with any site grading or construction of improvements prior to recordation of a Final Plan as specified in Section 304.06, unless such grading or construction is for the sole purpose of installing the public improvements as prescribed in an unconditionally approved Preliminary Plan in accordance with Section 303.04.

No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before the Board of Supervisors has approved the Final Plan and such Plan is recorded with the office of the Lancaster County Recorder of Deeds.

Section 806 Records

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

Section 806A Review Fees

Review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or consultant for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer, or consultant to the municipalities, when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such review fees, the applicant shall, within 14 days of the applicant's receipt of the bill, notify the Supervisors that such fees are disputed, in which case, the Township shall not

delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

In the event that the Supervisors and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Supervisors shall follow the procedure for dispute resolution set forth in Section 510(g) of the Pennsylvania Municipalities Planning Code, provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants whose fees are being disputed.

(Note: The above Section 806A – Review Fees was added on April 19, 2001, by Ordinance No. 2-2001.)

Section 807 Validity

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

Section 808 Conflicts

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

The Upper Leacock Township Subdivision and Land Development Ordinance of 1977 is hereby amended; provided however, that the amendment shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceeding at law or in equity, including criminal proceedings, pertaining to any act done which would have constituted a violation of the Upper Leacock Township Subdivision and Land Development Ordinance of 1977, its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not repealed hereby, as they pertain to said acts.

Section 809 Adoption and Effective Date

This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Upper Leacock Township,

DULY ORDAINED AND ENACTED this 16th day of January, 1992, by the Board of Supervisors of Upper Leacock Township, Lancaster County, Pennsylvania, in lawful session duly assembled.

SUPERVISORS OF UPPER LEACOCK TOWNSHIP

John Jacob Oberholtzer, Supervisor James C. Dum, Supervisor Mary L. Clinton, Supervisor

ATTEST: C. Lloyd Dagen

STATEMENT OF ACCURACY

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 Upper Leacock Township Subdivision and Land Development Ordinance (error of closure no greater than one foot in ten thousand feet).

_____, 19_____

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

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 Upper Leacock Township Subdivision and Land Development Ordinance.

_____, 19____

** _____

*Title of Plan/Report Data

**Signature and seal of the registered professional responsible for preparation of the data.

(See Sections 402.06 and 403.06)

STATEMENT OF OWNERSHIP, ACKNOWLEDGMENT OF PLAN, AND OFFER OF DEDICATION

INDIVIDUAL

COMMONWEALTH OF PENNSYLVANIA COUNTY OF LANCASTER

On this, the _____ day of _____, 19___, before me, the undersigned officer, personally appeared ______ who being duly sworn according to law, disposes 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 _____, 19_____.

*Identity Ownership or Equitable Ownership

**Signature of the Individual

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

(See Section 403.06)

CO-PARTNERSHIP

COMMONWEALTH OF PENNSYLVANIA COUNTY OF LANCASTER

On this, the _____ day of _____, 19___, before me, the undersigned officer, personally appeared ______, being one of the firm of ______, who being duly sworn according to law, disposes and says that the co-partnership is the * ______ of the property shown on this plan, that the plan thereof was made at its direction, that it acknowledge the same to be its act and plan and desires the same to be recorded, and that all street 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 ______, 19_____.

*Identify Ownership or Equitable Ownership

**Signature of the Individual

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

(See Section 403.06)

CORPORATE

COMMONWEALTH OF PENNSYLVANIA COUNTY OF LANCASTER

On this, the _____ day of ______, 19___, 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 - (excepting those areas labeled "NOT FOR DEDICATION").

Corporate Seal	
-	****

My Commission Expires _____, 19_____,

*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

(See Section 403.06)

PLANNING COMMISSION REVIEW STATEMENT

At a meeting on ______, 19___, the Upper Leacock Township Planning Commission reviewed this plan.

*Signatures of two members of the Planning Commission

RECORDER OF DEEDS CERTIFICATE

Recorded in the Office for Recording of Deeds, in an for Lancaster County, Pennsylvania, in Subdivision Plan Book _____, Volume ____, Page ____. Witness my Hand and Seal of Office this _____ day of _____, 19__.

(See Sections 303.05, 304.06, 402.06, and 403.06)

PRELIMINARY PLAN APPROVAL STATEMENT

At a meeting on ______, 19____, the Board of Supervisors of the Township of Upper Leacock 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 ______. This plan may not be recorded in the office of the Lancaster 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 members of the Board of Supervisors

TOWNSHIP ENGINEER REVIEW STATEMENT

Reviewed by the Upper Leacock Township Engineer.

Township Engineer

Date

(See Sections 303.05 and 402.06)

FINAL PLAN APPROVAL STATEMENT

At a meeting on ______, 19___, the Board of Supervisors of the Township of Upper Leacock approved this project, and all conditions of approval have been met. This approval includes the complete set of plans and information which are filed with the Township, based upon its conformity with the standards of the Upper Leacock Township Subdivision and Land Development Ordinance.

*Signatures of the members of the Board of Supervisors

TOWNSHIP ENGINEER REVIEW STATEMENT

Reviewed by the Upper Leacock Township Engineer.

Township Engineer

Date

(See Sections 304.06 and 403.06)

UPPER LEACOCK TOWNSHIP

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

File No. _____

Date of Receipt/Filing:_____

(For Township Use Only)

The undersigned hereby applies for approval under the Upper Leacock Township Subdivision and Land Development Ordinance for the Plan, submitted herewith and described below:

1.	Plan Name:	
	Plan No: Plan Date	·
2.	Project Location:	
3.	Name of Property Owner(s):	
	Address:	Phone No.:
4.	Land Use and Number of Lots and/or Units (in Single Family (Detached) Multi-Family (Attached-Sale) Multi-Family (Attached-Rental) Mobile Home Park	dicate answer by number of lots or units): Commercial Industrial Institutional Other (please specify)
5.	Total Acreage:	
6.	Application Classification:	
	Pre-Application Review Final Plan	Preliminary Plan Revised Plan Lot Add-On Plan
7.	Name of Applicant (if other than owner):	
	Address:	Phone No.:
8.	Firm Which Prepared Plan:	

	Address:	Phone No.:
	Person Responsible for Plan:	
9.	Is a Zoning Variance, Special Exception and/or Condition If yes, please specify:	onal Use Approval Necessary?
10.	Type of Water Supply Proposed:	Public Regional
	Please indicate if a capped system is proposed.	Individual
11.	Type of Sanitary Sewage Disposal Proposed:	Public
		Regional
	Please indicate if a capped system is proposed.	Individual
12.	Lineal Feet of New Street	·····
	Identify All Street(s) Not Proposed for Dedication	
13.	Sewer Facilities Plan Revision or Supplement Numb	er and Date Submitted

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

Date:

Signature of Landowner or Applicant

(See Sections 302, 303.01, 304.01, 306.01, 401, 402.06 and 403.06)

UPPER LEACOCK TOWNSHIP

APPLICATION FOR CONSIDERATION OF A WAIVER

	File No.
	Date of Receipt/Filing: (For Township Use Only)
The	undersigned hereby applies for approval of a waiver, submitted herewith and described below:
1.	Name of Project:
2.	Project Location:
3.	Name of Property Owner(s):
	Address: Phone No.:
4.	Name of Applicant (if other than owner):
	Address: Phone No.:
5.	Specify Section(s) of the Upper Leacock Township Subdivision and Land Developmen Ordinance for which a Waiver is requested:
6.	The Proposed Alternative to the Requirement:

Justification for the Waiver:

8. Identification of Plans, Reports, or Supplementary Data, which are part of the Application.

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

Date: _____ Signature: _____

(See Section 305.01)

MEMORANDUM OF UNDERSTANDING

Installation of Public Improvements In Conjunction With Preliminary Plan Approval

This Memorandum of Understanding is entered into by and between the following parties:

Upper Leacock Township, hereinafter called "Township"

and

_____, hereinafter called "Developer"

RECITALS

WHEREAS, Developer has submitted to the Township a plan and application for a Subdivision or Land Development Plan located in ______, which is known and designated as ______ and with an address of ______.

WHEREAS, Township has required and Developer has agreed that as a condition precedent to final plan submission of the Subdivision or Land Development Plan, public improvements shall be completed by the Developer, as provided in Article V of the Upper Leacock Township Subdivision and Land Development Ordinance of 1992, as amended.

WHEREAS, Township and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the public improvements and pay the costs involved in processing, inspecting, and reviewing Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, Township and Developer agree as follows:

- 1. The Developer, at their own cost and expense, shall proceed to perform and complete only those public improvements required by the Developer's Subdivision or Land Development Plan, subject to the approval of the plans and specifications by the Township.
- 2. The Township, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all public improvements.
- 3. Upon completion of the public improvements, the Developer shall give notice to the Township, in writing, to inspect the public improvements. The Township shall inspect the public improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Township disapproves, they shall notify the Developer promptly.
- 4. Developer agrees to reimburse the Township for engineering and professional

consultant services necessitated by the review and approval of the developer's plans (both preliminary and final) and necessitated by the review and inspection of all required public improvements (both at the plan and installation stages) at the prevailing rate, plus associated itemized expenses, where applicable. Developer agrees to reimburse the Township for engineering and professional consultant services associated with the "asbuilt" plan review. It is agreed that engineering and professional consultant services shall be payable by developer within ten (10) days after date of invoice and prior to final approval of developer's Subdivision or Land Development Plan.

5. Where applicable, developer agrees to reimburse the Township for solicitor services necessitated by the review and approval of the developer's plan (both preliminary and final), and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within ten (10) days after date of invoice and prior to final approval of developer's Subdivision or Land Development Plan.

(Note: The above paragraphs 4. and 5. were revised on April 19, 2001, by Ordinance No. 2-2001.)

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this ______ day of ______, 19____.

UPPER LEACOCK TOWNSHIP BOARD OF SUPERVISORS

Supervisor

Supervisor

Supervisor

(NOTARY SEAL)

DEVELOPER:

(Sections 303.04, 402.06.7)

MEMORANDUM OF UNDERSTANDING

Financial Security

This Memorandum of Understanding is entered into by and between the following parties:

Upper Leacock Township, hereinafter called "Township"

and

__, hereinafter called "Developer"

RECITALS

WHEREAS, Developer	has submitted to the	Township a plan	and applicatio	n for a Subdivision	or Land
Development Plan located in			, which i	s known and desigr	nated as
	and	with	an	address	of
					;

and,

WHEREAS, Township has required and Developer has agreed that as a condition precedent to final plan approval of the Subdivision or Land Development Plan, the construction of all public improvements shall be assured by financial security, as required in Article V of the Upper Leacock Township Subdivision and Land Development Ordinance of 1992, as amended.

WHEREAS, Township and Developer desire to set forth their understanding concerning the Developer's agreement and responsibility to install the public improvements, provide a financial security, and pay the costs involved in inspecting and approving Developer's Subdivision or Land Development Plan.

NOW, THEREFORE, intending to be legally bound hereby, Township and Developer agree as follows:

- 1. The Developer, at their own cost and expense, shall proceed to perform and complete all public improvements required by the Developer's Subdivision or Land Development Plan, subject to the approval of the plans and specifications by the Township.
- 2. To assure completion of the public improvements required as a condition for the final approval of the Developer's Subdivision and Land Development Plan, the Developer shall provide for deposit with the Township, financial security (consistent with Article V of the Upper Leacock Township Subdivision and Land Development Ordinance of 1992, as amended) in an amount sufficient to cover the costs of all public improvements, including, but not limited to, streets, street signs, sidewalks, curbs, landscaping, storm drainage for dedication or which affect adjacent properties or streets, sanitary sewer facilities for dedication, water supply facilities for dedication, fire hydrants, lot line markers, survey monuments, and other related facilities. Such security shall provide for, and secure the completion of the public improvements within one (1) year of the date fixed in the subdivision or development plan. The amount of financial security shall be equal to one hundred ten (110) percent of the cost of the required public improvements for which financial security is posted.

The cost of the public improvements shall be established by submission to the Township of an estimate prepared by the Developer's engineer, subject to review, comment, and approval by the Township or its designees.

- 3. The Township, or its designee, and the Developer shall agree upon a notification procedure and a schedule of field inspections to be made during construction and upon completion of all public improvements.
- 4. Upon completion of the public improvements, the Developer shall give notice to the Township and its designee, in writing, to inspect the public improvements. The Township or its designee shall inspect the public improvements within ten (10) days and shall approve same if they are completed in accordance with the Subdivision or Land Development Plan and acceptable engineering practices. If the Township or its designee disapproves, they shall notify the Developer promptly.
- 5. Developer agrees to reimburse the Township for engineering and professional consultant services necessitated by the review and approval of the Developer's plan and necessitated by the review and inspection of all required public improvements at the prevailing rate, plus associated itemized expenses, where applicable. It is agreed that engineering services shall be payable by Developer within ten (10) days after date of invoice and prior to release of financial security.
- 6. Where applicable, Developer agrees to reimburse the Township for solicitor services necessitated by the review and approval of the Developer's plan (both preliminary and final), and necessitated by the review of all required financial security and other agreements. It is agreed the solicitor's services shall be payable within ten (10) days after date of invoice and prior to release of financial security.

(Note: The above paragraphs 5. and 6. were revised on April 19, 2001, by Ordinance No. 2-2001.)

IN WITNESS WHEREOF, the parties hence caused this Memorandum of Understanding to be executed, dated this ______ day of _____, 19____.

UPPER LEACOCK TOWNSHIP BOARD OF SUPERVISORS

Supervisor

Supervisor

Supervisor

DEVELOPER:

(NOTARY SEAL)

(Sections 403.06.12 and 502.01)

NOTICE OF APPROVAL OF NEW STREET NAME

Upper Leacock Township P. O. Box 325 Leola, PA 17540-0325

Date:

File No.: _____ (To Be Completed By Applicant)

Plan Name: ______ (To Be Completed By Applicant)

Lancaster County-Wide Communications has reviewed and approved the following new street names:

(Applicant to provide on this form a list of all proposed new street names prior to submitting this form for approval. This form must bear the authorized signature from Lancaster County-Wide Communications.)

(Authorized Signature) Lancaster County-Wide Communications

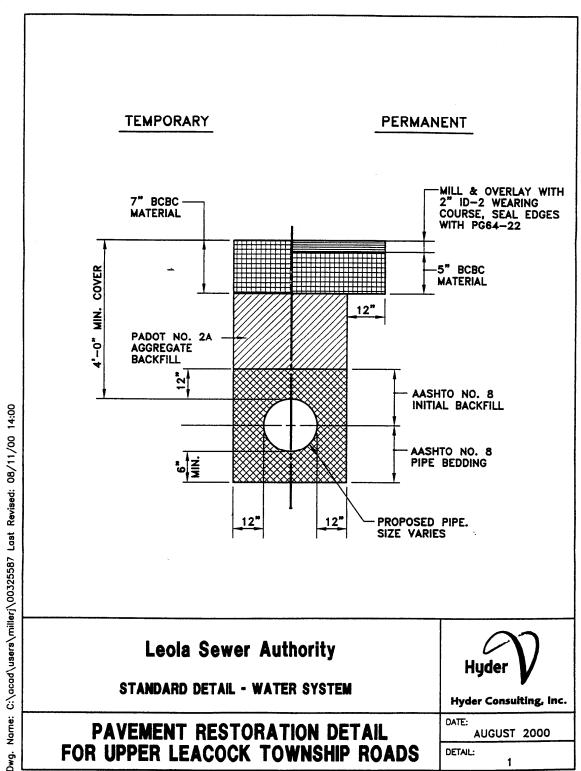
(Note: The above Appendix No. 10 was added on April 19, 2001, by Ordinance No. 2-2001.)

UPPER LEACOCK TOWNSHIP

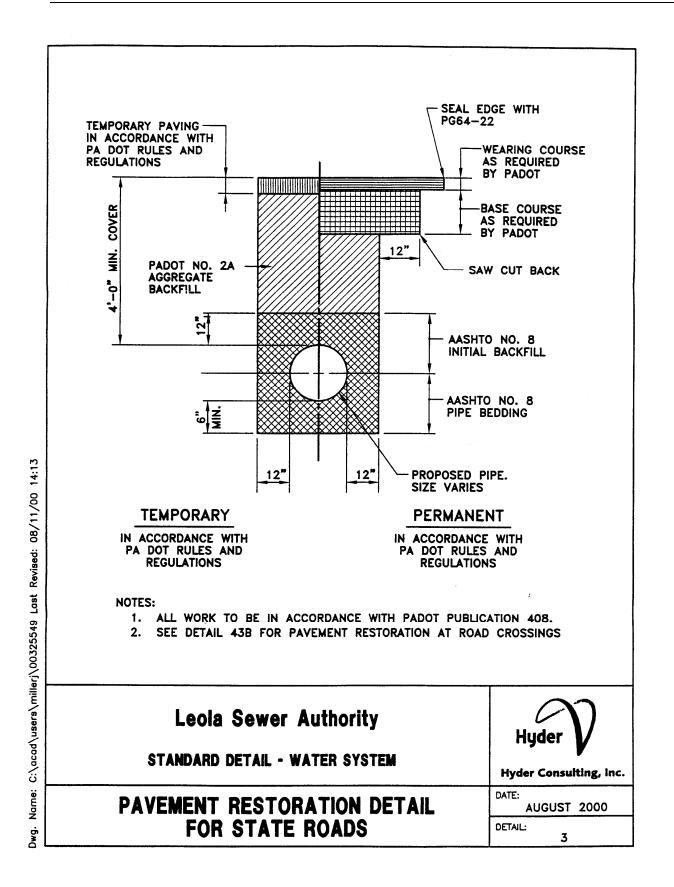
STANDARD PLAN FORMAT

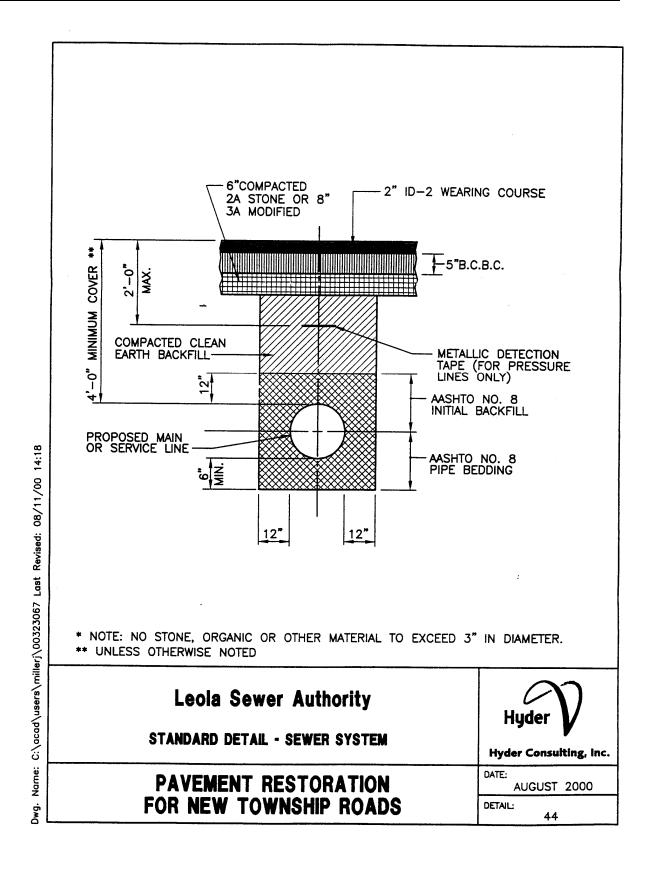
Revisions Source of Title
Book Page
Book Block

(Note: The above Appendix No. 11 was added on April 19, 2001, by Ordinance No. 2-2001.)

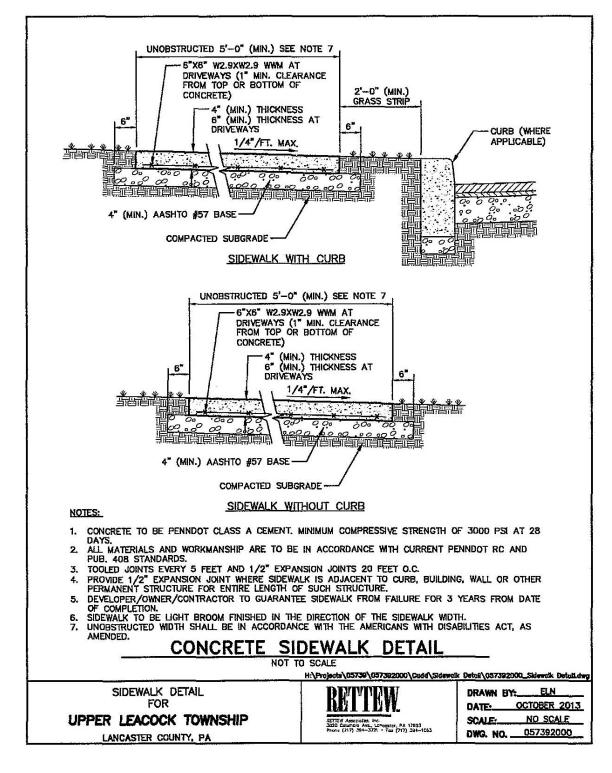


EXCAVATION WITHIN EXISTING STREETS





(Note: The above Appendix No. 12 was added on April 19, 2001, by Ordinance No. 2-2001.)



(Note: The above Appendix No. 13 was added on June 5, 2014, by Ordinance No. 2014-3.)